

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, September 27, 2012.

Members Present:    B. Wally Beauchamp, Chair  
                              F.W. Jenkins, Jr., Vice Chair  
                              Ernest W. Palin, Jr., Board Member  
                              Jason D. Bellows, Board Member  
                              William R. Lee, Board Member

Staff Present:         Frank A. Pleva, County Administrator  
                              Don G. Gill, Planning and Land Use Director

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

**PUBLIC INPUT**

Judy Hammell, President, Upper Lancaster Volunteer Rescue Squad spoke on behalf of the rescue squad stating they received a letter indicating the county would be staffing their building on a 24 hour basis. They were not given any prior notice, other than two weeks before hand that this would take place. She believes they should have been forewarned or given proper notice. The membership was not happy and do not appreciate the way this issue has been handled. They do not want this to happen.

Mr. Jenkins asked who signed the letter sent to the Upper Lancaster Volunteer Rescue Squad.

Mr. Pleva stated the County Attorney sent the letter.

Mr. Jenkins said he never authorized the County Attorney to do so.

Mr. Pleva stated that each board member was sent a copy of this letter prior to it being sent out for input.

Ms. Hammell said they have retained an attorney in an attempt to resolve this issue. They have the support of all the volunteer rescue squads and fire departments.

## **PRESENTATION**

None

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### County Maintenance

Mr. Brown stated snow removal equipment is in place and preparing with the contractor.

Mr. Harper stated they are continuing with mowing on the secondary roads with litter pick up.

Mr. Jenkins requested that the drain pipe under the road at Bethel Church be checked and repaired.

Mr. Palin thanked VDOT for removing the tree on VSH 600/Courthouse Road and VSH 3/Mary Ball Road making visibility better.

Mr. Pleva thanked VDOT for mowing prior to the River Ride event being held this weekend.

Mr. Beauchamp thanked VDOT for the equipment removed on James Wharf Road.

1. Rural Rustic Routes Project Resolution – Route 777/Riverview Road – Mr. Brown asked the Board to Approve the Resolution for Rural Rustic Road Project for Route 777/Riverview Road project. The work for this project scheduled is to widen the road, adding stone with surface treatment. This project is set to begin in October.

**RURAL RUSTIC ROAD PROJECT RESOLUTION  
FOR ROUTE 777/RIVERVIEW ROAD**

**WHEREAS**, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1500 vpd; and

**WHEREAS**, the Board of Supervisors of Lancaster County, Virginia (“Board”) requests that Route 777, Riverview Road, From: Route 680 To: 0.20 miles west of Route 680 at end State Maintenance, be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

**WHEREAS**, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Mr. Jenkins made a motion to Approve the Resolution for Rural Rustic Road Project for Route 777/Riverview Road.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

2. Rural Rustic Routes Projects Resolution – Route 789/Hadlea Drive – Mr. Brown asked the Board to Approve the Resolution for Rural Rustic Road Project for Route 789/Hadlea Drive project. The work for this project scheduled is to widen the road, adding stone with surface treatment. This project is scheduled to start in the Spring 2013.

**RURAL RUSTIC ROAD PROJECT RESOLUTION  
FOR ROUTE 789/HADLEA DRIVE**

**WHEREAS**, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1500 vpd; and

**WHEREAS**, the Board of Supervisors of Lancaster County, Virginia (“Board”) requests that Route 789, Hadlea Drive, From: Route 643 To: 0.30 miles north of Route 643 at end State Maintenance, be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

**WHEREAS**, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Mr. Palin made a motion to Approve the Resolution for Rural Rustic Road Project for Route 789/Hadlea Drive.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

### **PUBLIC HEARING**

1. Application for Special Exception – Charles Michael and Kimberly Ann Bouis – Mr. Gill presented an Application for Special Exception by Charles Michael and Kimberly Ann Bouis (owners) trading as Mifarm Oysters, Inc to operate a year round oyster growing and shipping business on a 2.0-acre parcel described as Tax Map #29-61D. This property is zoned R-1, Residential General and is located at 234 Mifarm Road off Fleets Bay Road (VSH 650) in District 3.

Mr. Gill stated this is a prime example of modern day aquaculture. It involves raising seed oysters in a floating upweller tank at the applicants' dock on Johnson's Cove off Dymer Creek for two months and then transferring them to

cages on oyster ground leased from the Commonwealth of Virginia, VMRC #2011-021 and 19242. When the oysters are market size, they will be harvested and brought back to the applicants' property and placed in a walk-in cooler to be constructed in an enclosed area on the property. This size operation will require only one or two small refrigerated trucks/vans (not tractor- trailers) to deliver the oysters to market.

Mr. Gill said the requested use involves "grading, bagging, tagging and selling" oysters year round. Due to the commercial, year round nature of this business, I advised the applicants to seek the special exception under Article 5-1-9 which states, "*Areas of basic seafood processing facilities, with a special exception,*" so there would be no question as to the legality of this business in a residential zoning district.

Mr. Gill stated this request has been advertised and adjoining property owners notified as required by law. To date, there have been three inquiries from an adjoining property owner who supports this size operation, two in favor, one in opposition and one property owner who is not an adjoining property owner in opposition.

Chairman Beauchamp opened the public hearing.

Bob Conn is a new property owner on Coppage Farm Road and close to the operation. His concern was changing the character of the area. This is a rural and beautiful area and would also affect the property value. The operation is external, has the appearance of a commercial operation and is not aesthetically pleasing. He stated he was in opposition this request.

Mr. Conn read a letter from property owner Maureen McDermott expressing her opposition to the request made by Mifarm Oyster, Inc. and asked the Board not to approve this application. The proposal would permit expansion

of an already operating commercial enterprise. The proposal will also have additional equipment, boats and activities. The traffic in the narrow inlet will increase as the level activities exceed what is already being experienced. Dymer Creek is beautiful, its rural and nature that gives our area a special attractive quality. The proposed special exception will undermine that quality affecting the real estate value. The Bouis are friends and two years ago Mr. Bouis discussed his interest in raising oysters and learning about culturing them, and thought it to be a worthy hobby activity. However, this request could lead to an expansion, which is why she asked the Board to deny the special exception.

Stanley Adams, Coppage Farm Road resident, stated he lives directly across the waterway. His overriding concern is the potential for loss of property value. This commercial operation is directly across the street and will increase activity on the waterway. The oyster cages stacked high on the shoreline and visible and offensive. The neighbors children swim and kayak so it could be dangerous with the increase in boat traffic. The noise would increase with additional activity of boats and trucks. He considers himself a friend of Mr. Bouis and he is a good person with good intentions. He said Mr. Bouis will retire in two to three years and the activities will more than likely increase. His best interest is for his property and the neighbors, which is why he opposes this request.

Chairman Beauchamp closed the public hearing.

Mr. Lee asked about the expansion of the business in a residential area, would this require Mr. Bouis to come back before the Board.

Mr. Gill stated that is correct, under the definition of home occupation in the zoning ordinance would limit the potential expansion of this business.

Mr. Beauchamp asked for additional information on a floating upweller tank and questioned the oyster cages be stacked on the property.

Mr. Gill stated the oysters are placed in the floating tank to grow, prior to being placed in the cages.

Mr. Bouis stated he has two boats with no intention of expansion. He said he certainly respects the neighbors and if the cages are offensive, he would remove them. The cooler will not generate much noise, as the unit would be inside a barn.

Mr. Bellows stated being a waterman is a way of life around here.

Mr. Bellows made a motion to Approve the Application for Special Exception by Charles Michael and Kimberly Ann Bouis (owners) trading as Mifarm Oysters, Inc to operate a year round oyster growing and shipping business on a 2.0-acre parcel described as Tax Map #29-61D located at 234 Mifarm Road off Fleets Bay Road (VSH 650).

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

### **CONSENSUS DOCKET**

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

A. Minutes for August 30, 2012

Recommendation: Approve minutes as submitted

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye
William R. Lee	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1 . Approval of September 2012 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for September 2012 in the amount of \$221,493.10 and Invoice Listings for September 2012 in the amount of \$1,238,028.33\*.

\*Loan Payments - \$169,172.00

\*Capital Improvements - \$69,502.50

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

2 . Vehicle Replacement – Building Department – Mr. Daum stated the 2003 GMC Pick-up Truck used by the Building Inspector has approximately 168,000 miles. Since 2010 this vehicle has cost \$2,892.57 in repairs and on July 31, 2012 he found out that there is an estimated cost of \$750.00 of additional repairs. He also found out recently that the transmission may need to be replaced.

Mr. Daum said considering the age, mileage, and increasing cost of maintenance repairs, the Building Official requests that this vehicle be replaced with an all wheel drive extra cab pickup truck not to exceed \$25,000.

Mr. Lee made a motion to Approve the Request to replace the vehicle for the Building Inspection not to exceed \$25,000.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

Mr. Palin stated he has spoken to the Mr. Pleva, County Administrator about the old county car in the parking lot.

Mr. Pleva said the vehicle needs a lot work and he would be talking with the Sheriff to add it to their next auction or donate it an organization to use the vehicle as training tool (automotive repair).

- 3 . LINX T1 Line Grant and new Grant Application – Mr. Pleva stated he received a corresponds from Capt. Shirilla, Chief Deputy, stating the contract from Northrop Grumman for the T1 Line maintenance for the regional law enforcement data sharing project grant award is \$41,988, which is \$1,700 more than the contract amount. The contract covers services from July 1, 2012 through February 28, 2014.

Mr. Pleva said according to Capt. Shirilla there have been changes to the administration of the federal grant funds for law enforcement. The grants are now being administered by VDEM instead of DCJS. With the VDEM online grant management system the county should be reimbursed sooner than in the past.

Mr. Pleva stated they have submitted an application for the next grant cycle to continue the T1 Line maintenance and for ten laptops for patrol vehicles. This grant requires no local match and is now pending approval by VDEM as part

of the homeland security/terrorist prevention grant program. This grant is for \$130,000 and could expect correspondences from VDEM by December as to the amount approval.

Mr. Palin made a motion to Approve the Agreement between Northrop Grumman Systems Corporation and the County of Lancaster, Virginia for the LINX T1 Line Grant and the new Grant Application.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

4 . Indoor Plumbing Rehabilitation Program – Management Plan and Program

Income Plan – Ms. Reamer asked the Board to Approve execution of the Indoor Plumbing Rehabilitation Loan Program Management Plan and Virginia Indoor Plumbing Program Income Plan with Virginia Department of Housing and Community Development to continue administrating the Indoor Plumbing Rehabilitation Program in Lancaster County. The only difference with the plans is that she will now be the administrator.

Mr. Jenkins made a motion to Approve the execution of the Indoor Plumbing Rehabilitation Loan Program Management Plan and Virginia Indoor Plumbing Program Income Plan to continue administrating the Indoor Plumbing Rehabilitation Program in Lancaster County.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

- 5 . School Board Supplement Appropriation Request for LPS Music Position – Dr. Lukich stated a supplement appropriation request for LPS Music Position was made at the August 30, 2012 Board of Supervisors meeting. At which time, it was said this request must come from the School Board. The School Board met and approved the request by a vote of 5 – 0.

Dr. Lukich stated the LPS music teacher resigned and he requested that Board of Supervisors appropriate \$59,357 to the school budget in order to hire a new certified music teacher. The schools will return \$145,627 of unexpended funds to the county and he stated the funding should be used to invest in the future of the children. Lancaster County Schools have an outstanding music program and after many comments and concerns from the parents, he believes it would be beneficial to replace the music teacher at LPS.

Mr. Jenkins stated he believes that the School Board could find the funding for the Music Teacher within their budget. Should they need additional funding later in the year, they can come back to the board.

Mr. Jenkins made a motion to deny the Supplemental Appropriation request in the amount of \$59,357 to hire a Music Teacher at Lancaster Primary School.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay
	Jason D. Bellows	Aye
	William R. Lee	Nay

- 6 . Wiley Foundation Appropriation – Dr. Lukich stated the schools request for supplemental appropriation to establish budget for the three year old Early Childhood Program granted through the Wiley Foundation. The Early Childhood

Program has been established for three year old children to receive early literacy, language and math skills, and social skills in preparation for the four year old program. The hours for this program are 9:00 a.m. – 2:00 p.m. The Wiley Foundation appropriation does not require county funds.

The schools have received \$100,000 for the 2012-13 school year through the Charles L. Wiley and Nettie Lokey Wiley Foundation. Their generous donation allowed the purchase of furniture, learning materials, and supplies for the classroom. This funding also includes the teacher’s salary and benefits as well as the paraprofessional’s salary for this year.

Mr. Lee made a motion to Approve the Supplemental Appropriation request for the Wiley Foundation.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

**BOARD REPORTS**

Appointments

Mr. Beauchamp made a motion to appoint Howard Hanchey to the Lancaster County Wetlands Board as an alternate for the unexpired term of which end on June 30, 2014.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

Mr. Jenkins made a motion to reappoint Edward R. Pittman to the Lancaster County Economic Development Authority as a representative from District 1 for a four-year term beginning on November 12, 2012 and ending on November 11, 2016.

VOTE:           B. Wally Beauchamp           Aye  
                   F. W. Jenkins, Jr.            Aye  
                   Ernest W. Palin, Jr.           Aye  
                   Jason D. Bellows               Aye  
                   William R. Lee                 Aye

Mr. Palin made a motion to reappoint Jackie R. Barrack to the Lancaster County Economic Development Authority as a representative from District 2 for a four-year term beginning on November 12, 2012 and ending on November 11, 2016.

VOTE:           B. Wally Beauchamp           Aye  
                   F. W. Jenkins, Jr.            Aye  
                   Ernest W. Palin, Jr.           Aye  
                   Jason D. Bellows               Aye  
                   William R. Lee                 Aye

Mr. Bellows made a motion to appoint the following to the Housing Rehab Board.

<b>Name</b>	<b>Affiliation</b>	<b>Role</b>
Frank A. Pleva	County Administrator	Chairman
William R. "Bill" Lee	County Board Member	Board Member
William L. "Lewis" Lee	Citizen	Board Member
Sandra Smyre	Community Representative	Board Member
Steve Daum	County Building Official	Board Member

VOTE:           B. Wally Beauchamp           Aye  
                   F. W. Jenkins, Jr.            Aye  
                   Ernest W. Palin, Jr.           Aye  
                   Jason D. Bellows               Aye  
                   William R. Lee                 Aye

**COUNTY ADMINISTRATOR**

Mr. Pleva stated Mr. Pennell served the Regional Public Access Authority and the position is now vacant and asked the Board to make an appointment for the unexpired term.

Mr. Beauchamp made a motion to appoint Frank A. Pleva to the Regional Public Access Authority for the unexpired position of Mr. Pennell’s term of office.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

**Board of Equalization**

Mr. Pleva stated the reassessment field work is wrapping up and the Board will need to make nomination to the Circuit Court for appointment of a Board of Equalization.

Mr. Jenkins suggested contacting the members of the last Board of Equalization, since they already have knowledge of the process. However, check with each board member before contacting anyone.

Mr. Pleva reminded the Board of the “Boots & BBQ” on September 29, 2012 from 3:00 – 6:00 p.m. at the Mary Ball Washington Museum held by the Northern Neck Land Conservancy and the Chamber of Commerce River Ride event.

**CLOSED SESSION**

Motion was made by Mr. Beauchamp to enter into 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 Real Property, § 2.2-3711.A.3 and Personnel Matters, § 2.2-3711.A.1 of the Code of Virginia, 1950, as amended. The purposes of the closed meeting are to discuss the real property and personnel matters. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's of Town's bargaining or negotiating position) and §2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees).

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

**RECONVENE**

Motion was made by Mr. Jenkins reconvened open meeting.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on September 27, 2012 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property, § 2.2-3711.A.3 and Personnel Matters, § 2.2-3711.A.1 of the Virginia Freedom of Information Act;

**WHEREAS**, §2.2-3712 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.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Beauchamp called the question. A roll call vote was taken:

ROLL CALL

VOTE:           B. Wally Beauchamp           Aye

F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye
Jason D. Bellows	Aye
William R. Lee	Aye

This certification resolution is adopted.

No action taken on the closed meeting matters.

### **ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye