

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, September 28, 2006.

Present: F.W. Jenkins, Jr., Chair
Peter N. Geilich, Vice Chair
B. Wally Beauchamp, Board Member
Jack S. Russell, Board Member
Ernest W. Palin, Jr., Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Curtis Smith, Lee Capps, Fletcher Brown, Paul Jones and Chris Stamm, Town of Kilmarnock; Clifton Balderson and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; C. Jeffers Schmidt, Lancaster Commonwealth Attorney; Jack Larson, Planning/Land Use; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo

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

PUBLIC INPUT

Mr. Schmidt presented the board with a petition signed by fifty-three employees who have major concerns with the county's new health insurance plan and understand that there will be a meeting held the week of October 2, 2006 to consider the issues and reconsider the Single Employee Trust (SET) and possibly re-establish our previous health insurance. This is very significant to the county employees and their families.

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Request for a traffic signal at the intersection VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Mr. Beauchamp said Mr. Balderson advised the board that they still have not received the traffic signal study results for the intersection of James Jones Memorial Highway/Irvington Road, however; he was informed that this issue is still under consideration.

Speed Study Request/Town of Weems

Mr. Beauchamp said the board has not received the results of the speed study in the Town of Weems, however; he was informed by Mr. Balderson this issue is still under consideration.

PUBLIC HEARINGS

1. **Lease of 201 School Street to Lancaster Community Library** – Mr. Pennell stated at the August 31, 2006 meeting of the Lancaster County Board of Supervisors, the members authorized him to advertise a public hearing on the subject of a possible lease of 201 School Street, Kilmarnock, Virginia to the Lancaster Community Library.

Mr. Pennell said he provided the Board of Supervisors with a standard lease agreement the board has used in the past with other community groups which have leased space from Lancaster County. It places all requirements for care, maintenance and upkeep on the lessee. The county is required to maintain fire and peril insurance on the building.

Chairman Jenkins opened the public hearing.

Hearing no public comment, Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to approve a lease of 201 School Street to the Lancaster County Library and authorize the county administrator to finalize and execute a lease in the amount of \$1.00 per year with the library management.

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

2. Boundary Line Adjustment – Town of Kilmarnock – Mr. Pennell stated at the August 31, 2006 regular monthly meeting of the Lancaster County Board of Supervisors, the members authorized the county administrator to advertise a public hearing to consider a boundary line adjustment with the Town of Kilmarnock as approved and forwarded by the Kilmarnock Town Council.

Mr. Pennell said the advertisement for this public hearing contains a summary of the boundary line adjustment request showing only those areas which alter the current Kilmarnock/Lancaster County boundary. The county attorney has advised that if this change is agreeable with the Lancaster County Board of Supervisors, a survey of the new town boundary and a written set of metes and bounds for the new boundary must be produced by the Town. The Board of Supervisors was provided with a copy of the boundary line adjustment proposed by Town Council of the Town of Kilmarnock.

Chairman Jenkins opened the public hearing.

Mayor Smith, Town of Kilmarnock stated there was a water and sewage concern in the Waverly Avenue neighborhood so the town reduced by one half the property they were seeking to incorporate into the Town of Kilmarnock. He believes they are sharing the wealth of the county and as Kilmarnock real estate

become more expensive, people will move up the county and water and sewage will again become a greater issue and the town would like to be a partner and help.

The property owner of Harris Farm had petitioned the town and asked them incorporate the entire farm into Kilmarnock. He does not believe the town is ready to incorporate the Harris Farm property at this time. There is a water and sewage line in place to serve the proposed day care center (formerly Oakwood Fitness Center) and there is an arrangement whereby the hospital has invested approximately \$500,000 to ensure the water and sewages in future hook-ups along Harris Road. The town has requested 200 feet into the Harris Farm to allow for development of the road frontage only. The last boundary line adjustment was done approximately 25 years ago. The town has been very conservative in its request and proposal as the boundary line adjustment before the board is 50% less than the original proposal. It is very important that the quality of life is maintained.

Warren Sellew, a Waverly Avenue resident, stated he is speaking on behalf of citizens of Waverly Avenue to share their concerns over the Town of Kilmarnock proposed Boundary Line Adjustment. He said the citizens of Waverly Avenue and the owners of the land do not want that part included which is located between the Town of Kilmarnock limits and Mac's Pond road on the north side of Waverly Avenue to the Northumberland County line. He said the owners of 48.217 acres are Parcel I, James and Tamara Crandall, Parcel II, Augusta Sellew, Parcel III, Kevin and Patricia Lewis and Parcel IV, Town of Kilmarnock. The owners of Parcels I, II and III have the right to hook onto the water and sewage based on a recorded deed. The water line to Parcel III is 1,400 feet and if a sewage line was hooked up it would not be economically feasible for the Town of Kilmarnock to connect one hook-on. The property owners of Waverly Avenue do not want to be included in the proposed Boundary Line Adjustment by the Town of Kilmarnock as they will pay taxes for services not

needed. The property tax is not justified as the owners will receive nothing for their tax money.

Mr. Costello said he believes that the Boundary Line Adjustment should stay on one side of Harris Road.

Mayor Smith stated the day care center water and sewage is subject to town approval. There is a cost that the day care center will incur.

Dr. Russell asked Mayor Smith if the town could make an exception and waiver the cost.

Mayor Smith said no.

Mr. Beauchamp stated the deed was not signed by any town official and questions whether or not the deed is a legal document.

Mr. Geilich said he understands if the Boundary Line Adjustment is approved there would be a fee charged for the water and sewage hook up after the four years and asked what will be the approximate cost.

Mayor Smith stated the cost will be \$9,500 per resident.

Mr. Geilich said on the day care center issue, if the town excluded the side of Harris Road from the Boundary Line Adjustment that the water rate would be one and half times what it would normally cost. This is approximately \$10,000 per year for a non-profit organization (501 C 3 Corporation) with a tight budget and doing good things for the community.

Chairman Jenkins closed the public hearing.

Mr. Pennell stated that once the public hearing has been held, the board can conduct a separate meeting with the Town of Kilmarnock to negotiate the details.

Mr. Jenkins made a motion to table the Proposed Boundary Line Adjustment with Town of Kilmarnock until a special meeting is scheduled to discuss in further details.

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

3. Application for Change of Zoning District Classification – Kaylin Properties, LLC – Mr. Larson presented a request by Kaylin Properties, LLC to rezone property described as Tax Map #28-145 from C-2, Commercial, Limited to C-1, Commercial. This property is off VSH 1036, Harris Road, near Kilmarnock, Virginia and is in Voting District 4.

Mr. Larson said the Planning Commission first heard this issue at public hearing at their regular meeting on July 20, 2006. Consideration of the issue was continued from that meeting due to concerns with screening and lighting. Mr. Healy, representing Kaylin Properties, was advised that members supported his request, but they “did not want to see the facility”. Mr. Healy was very effective in making revisions to his plan to address their concerns, resulting in the unanimous recommendation for approval.

Mr. Larson state this public hearing of the issues has been advertised and adjoining property owners notified as required by law. To date, there has been no

input from either adjoining property owners or other interested members of the public.

Chairman Jenkins opened the public hearing.

Mr. Healy stated there would be six offices and mini storage units on seven plus acres. There would be small impact in the area and in line with the buildings that are currently on Harris Road. The property already has natural timber as a buffer and low traffic impact. This is a good project and good for the area.

Chairman Jenkins closed the public hearing.

Dr. Russell stated he congratulates Mr. Healy on a good project, but he can not support changes until after the comprehensive plan is completed. He said that Harris Road consists of Virginia Quality for Life and health care and the mini storage is not in step with what is currently there.

Dr. Russell made a motion to Deny the Application for Change of Zoning District Classification by Kaylin Properties, LLC.

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

Motion failed 4-1.

Mr. Geilich made a motion to Approve the Application for Change of Zoning District Classification by Kaylin Properties, LLC.

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

4. Application for Change of Zoning District Classification – R. Cris and Britney Dedmond – Mr. Larson stated a request by R. Cris and Britney Dedmond to rezone property described as Tax Map #28-13A from R-1, Residential, General to C-2, Commercial, Limited has been withdrawn.

5. Application for a Special Exception, Individual Manufactured Home – John Thomas Rilee – Mr. Larson presented an application for Special Exception to place an individual manufactured home by John Thomas Rilee on property described as Tax Map # 35-7. This property is on VSH 646, Ocran Road, at its intersection with Poplar Neck Road near White Stone, Virginia and is in Voting District 4.

Mr. Larson stated Mr. Rilee is the owner of record of the subject property. He has met all other requirements to place a manufactured home on the property and has certified that he will be the occupant of the home.

Mr. Larson said the public hearing of this issue has been advertised and adjacent property owners notified as required by law. To date, there has been one phone call from an interested member of the public who, while not objecting to this request, stated that Mr. Rilee had already placed a manufactured home on the property.

Chairman Jenkins opened the public hearing.

Hearing no public comment, Chairman Jenkins closed the public hearing.

Dr. Russell made a motion to Approve the Application for Special Exception for Individual Manufactured Home for John Thomas Rilee.

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

6. Application for a Special Exception – Virginia Broadband LLC/Glenn Courtney – Mr. Larson presented an application for Special Exception by Virginia Broadband LLC to place a data antenna on property owned by Glenn Courtney, further described as Tax Map #25-57B. This property is on VSH 689, Courtney Road, near Ottoman, VA in Voting District 1.

Mr. Larson stated this is a continuation in requests to locate 80' data antennae at locations within the County to improve levels of service. As demonstrated by the representative configuration attached this involves a thin antenna extended above a standard utility pole that is not considered visually obtrusive.

Mr. Larson said this public hearing of the issue has been advertised and adjoining property owners notified as required by law. To date, there has been no input from either adjoining property owners or other interested member of the public concerning this request.

Chairman Jenkins opened the public hearing.

Hearing no public comment, Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception for Virginia Broadband LLC by Glenn Courtney.

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

7. Application for a Special Exception – Leonard E. and Carol L. Engstrom – Mr. Larson presented an application for Special Exception by Leonard E. and Carol L. Engstrom to place dredge materials on property described as Tax Map # 29-88M. This property is on Long Lane Farm Road near White Stone, Virginia and is in Voting District 3.

Mr. Larson stated the terms of VMRC Permit #05-1641 were provided to the board, notwithstanding, the plan is to offload dredge materials directly onto the applicant’s property as opposed to first transporting it by barge to Ditchley and then transporting it to the property. This would preclude the transport of these materials on County roads and seems a more sensible approach overall.

Mr. Larson said this public hearing of the issue has been advertised and adjoining property owners notified as required by law. To date, there has been no input from either adjoining property owners or other interested member of the public.

Chairman Jenkins opened the public hearing.

Hearing no public comment, Chairman Jenkins closed the public hearing.

Mr. Geilich made a motion to Approve the Application for Special Exception for Leonard E. and Carol L. Engstrom contingent on direct application of materials.

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

8. Application for a Special Exception – The Thorsen Group – Mr. Larson presented an application for Special Exception by the Thorsen Group to operate a bed and breakfast on property described as Tax Map # 34-207. The property is on River’s Landing off VSH 3 near White Stone, Virginia and is in Voting District 5.

Mr. Larson stated the applicant’s plan is viewed as reasonable. Use of the property as a bed and breakfast would not seem to be out of character with surrounding residentially zoned properties.

Mr. Larson said this public hearing of the issue has been advertised and adjoining property owners notified as required by law. To date, there has been one phone call from an interested member of the public who offered a correction to the location in the advertising (“River’s Landing” vice “River Landing Drive”) but otherwise expressed support for the request.

Chairman Jenkins opened the public hearing.

Hearing no public comment, Chairman Jenkins closed the public hearing.

Mr. Beauchamp made a motion to Approve the Application for Special Exception for The Thorsen Group to operate a bed and breakfast.

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

9. Application for a Special Exception – The Thorsen Group - Mr. Larson presented an application for Special Exception by the Thorsen Group to have a professional office on property described as Tax Map # 34-207. The property is on River’s Landing off VSH 3 near White Stone, Virginia and is in Voting District 5.

Mr. Larson stated the applicant is also requesting a special exception to place a bed and breakfast on the same property. It would seem that a special exception to also place a professional (realtor’s) office on the property as a convenience to selling a limited number of lots or homes in a subdivision is excessive in a residentially zoned area. The additional “drive-by” traffic generated by the bed and breakfast would likely be unacceptable when viewed in total. Supporting documentation for this request is included with that provided for the bed and breakfast special exception request.

Mr. Larson said this public hearing of the issue has been advertised and adjoining property owners notified as required by law. To date, there has been one phone call from an interested member of the public who offered a correction to the location in the advertising (“River’s Landing” vice “River Landing Drive”) but otherwise expressed support for the request.

Chairman Jenkins opened the public hearing.

Virginia Henry said the request is to have an office building because a subdivision would be constructed behind it on the same property. She asked the board to approve the professional office until the subdivision is sold out.

Chairman Jenkins closed the public hearing.

Mr. Beauchamp made a motion to Deny the Application for Special Exception for The Thorsen Group to have a professional office.

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

10. Expansion of a Nonconforming Use – Donahue Properties LLC – Mr. Larson presented a request to expand a nonconforming use, a restaurant, to a 27-unit hotel by Donahue Properties, LLC on property described as Tax Map # 34-209. This property is off VSH 3 near White Stone, Virginia and is in Voting District 5.

Mr. Larson said this request has generated considerable interest. With the exception of two interested members of the public who wrote emails in opposition to the request, all phone calls and office visits have been supportive. The only qualification is some concern that this should be handled as a rezoning vice expansion of the nonconforming use. Related to this concern is that a single hearing of the issue by the Board of Supervisors is not enough to properly consider it.

Mr. Larson stated this should be handled as an expansion of a nonconforming use. The present use as a restaurant and historical use as a hotel (albeit no longer grand fathered because of more than two years of inactivity) supports this argument given that breakfast will be provided as part of the hotel operation. Adequate wastewater and storm water management were reasons for suggesting a continuance or putting it before the Planning Commission as a rezoning matter. Approved plans for both wastewater and storm water

management will be a prerequisite to the issuance of building and other development plans should this request be approved.

Mr. Larson said with respect to the opposition to this request, he does not agree that the use of this property should be restricted to its present use as a restaurant. This is an opportunity to improve conditions with respect to wastewater treatment, storm water treatment, and overall condition of improvements to the property. The proposed use as a hotel is also more in harmony with the surrounding residential nature of properties. Finally, this property has been in continuous commercial use for at least sixty years, well before zoning was established in Lancaster County. A seemingly arbitrary decision to assign it residential zoning in 1975 should not force the property owner to forfeit value by not allowing reasonable, well planned changes to the historical and established commercial use of the property.

Mr. Larson stated the public hearing of the issue has been advertised and adjoining property owners notified as required by law. Additionally, the applicant has gone to considerable effort to make his plan known to both affected property owners and the general public. As previously stated, there has been considerable input, mostly in support of this request.

Dr. Russell asked if the property was zoned R-1 and what is nonconforming use?

Mr. Larson stated the property is zoned R-1 and in 1975 mass zoning was done in Lancaster County. There were certain properties given a zoning designation that was inconsistent with the use being done on those properties at that time. At that time those properties became authorized nonconforming uses because they were no longer conforming to that zoning designation but were authorized because they have been performing that activity long before zoning came into effect. By being authorized nonconforming it places some restriction

on people as far as expanding or moving to another use. They would have to come back to the board and request permission to do so. Which is what is occurring with this request because there has always been commercial operation (seafood operations, hotel, and restaurants) at that location but yet it was zoned R-1.

Chairman Jenkins opened the public hearing.

Caroline Devereaux, President of the Property Owner's Association for River's Landing and a River's Landing resident stated this property should go through the normal zoning process. The residents understand that a 27 room hotel will replace the existing restaurant. They asked developers to delay the project for 30 days in order to get a better understanding of the project and have their concerns addressed. The developers had not obtained a septic system permit as of Monday, September 25, 2006. There was a variance requested for the same property in 1996 and was turned down. There has not been a traffic study and the residents believe there should be a traffic study preformed. What will happen with overflow parking for events such as weddings and meetings? The residents are also concerned about the disposal of decades of septic waste and odor control.

Charles George, resident at River's Landing said they have concerns about property value. He would like to have the request delayed for 60 – 90 days in order see the plans and have concerns answered. He asked if the number of occupants to each hotel room would be limited and will they be allowed to stay longer than two weeks.

Mrs. George asked will the hotel staff be on the premises 24 hours a day, 7 days a week, and 365 days a year.

George McClintock, resident at River's Landing asked if the Virginia Department of Environmental Quality (DEQ) has reviewed the proposed construction and, if so, their finding.

Ann McClintock, resident at River's Landing for six year appreciates what the developer is doing because she does not like the current use. She said she has spoken to Henry Whay of One Way Septic System and has been informed that the ground is saturated with waste and oil from running on top of the ground. She questioned septic overflow and how that would be handled.

Bob Jebson, resident of River's Landing for 10 years has concerns about the septic system and in the event of septic emergency, where will the overflow go? Residents have met with Mr. Larson and are willing to look at the plan with an open mind. They believe it should still remain a restaurant. We are trying to preserve the Bay and the project will be a maintenance/operation issue.

Fred Ajootian, Ocran resident stated his first view of Lancaster County in 1970 coming across was a Marina Motel and the old ferry dock. The beach was used by the public with public access to the water. He believes there is still a possibility for public access at that location. Grant permit and secure public access for the county. This would be an opportunity for the owners and county to benefit.

Sam Marshall, a county resident since 1975 said he agreed with Mr. Ajootian because he saw the same view. He reviewed where boat launches were located in the county which is mainly at the upper end of the county. He believes the county should have a boat launch at the foot of the Robert O. Norris Bridge and provide direct access to the bay.

Les Spivey, representing Developer (Donahue Properties) and Chief Financial Officer on the 27 unit Hotel/Inn Project said the desire is to enhance the

entrance of the county. Also present, John Martin, Attorney; Randal Kipp, Architect; Don Caskie, Bay Design Group; Charles Pruitt, Surveyor; and Frank Burke, current owner of the property. In order for this project to be profitable and open May or June 2007 it needs to be approved by the board as soon as possible.

Mr. Kipp stated the first/front building will be two stories with nine units. The design is simply to fix the fabric of the neighborhood. The front building will be 26 feet in height and second building will have three floors and be 35 feet in height.

Les Spivey said the design of the other building will be similar to what was presented, ascetically pleasing with courtyard in the middle with a pool. Don Caskie, the engineer, will be explaining the septic system.

Don Caskie stated soil samples have been presented to the health department. All the existing soil down to 4 feet must be removed and the septic system will be new. They are able to get drainfields in with new systems available today and still have 100% reserve. There will be two primary drainfields with two reserved drainfields and the quantity is just less than 5000 gallons per day. It is easier to treat waste from a hotel than it is from a restaurant, not dealing with grease or raw food products. The nitrogen that will be discharged from the system is three kilograms per liter. There will not be an issue with overflow as the drainfield is at least four feet in the ground. The new system is called Advantech. The tanks have to be removed and there may be some odor.

Mr. Jenkins stated the hotel requires 130 gallons of wastewater per room per day.

Mr. Burke said the restaurant is currently at 950 per day.

Charlie Pruett said he prepared a site plan, they design the stormwater management plan as if everything impervious would be new. He designed three chambers based on a ten year storm and it will catch all the water from roof and percolate in the ground to ensure none of the pollutants run into the river. The development lies completely outside the RPA and entirely within the RMA which is the 100' setback, lying outside the special flood hazard zone and the first floor of the building is at an elevation 11' above sea level and the parking lot is 28' above sea level.

Mr. Spivey again stated they would like to construct a great hotel with a beautiful entrance to the county and want to be a good neighbor. There was public access to the water years ago but the homeowners association now owns that property.

Mr. Geilich asked about signage.

Mr. Spivey said it would be moderate sign within the county ordinance, no flashing lights. The rates will be between the Holiday Inn and Tides Inn rate and would be approximately \$190.00 per night.

Mr. Palin stated he would like to know if they would be willing to incorporate public access to the water.

Mr. Spivey said they would be willing to do that without reducing the number of rooms. There would not be a problem with the public coming down walking out onto the beach, but right now it is rather problematic as the homeowners association has a fence erected.

Dr. Russell asked how many full time jobs will be created.

Mr. Spivey stated six full time jobs with a number of part time jobs.

Mr. Jenkins asked if they would be hosting beach parties and what would be the hours at the pool.

Mr. Spivey said no beach party but wedding and there would be daytime pool hours because there will be no life guard. Mr. Pennell reminded the Board of Supervisors that since this was a special exception expansion, it could establish the hours of pool operation.

Herb Stover, previous owner said in 1979 the property next door was zoned A-2 and was rezoned R-2 when the townhouses were built. The septic system was not a problem when he owned the property. This is not only the entrance to Lancaster County but to the Northern Neck. The hotel would be far more acceptable than what is currently there.

Mr. McClintock asked how many parking spaces would be at the hotel.

Mr. Spivey said there are 40 spaces in total.

Rod Barrack said for the cost of a beer he can walk on the beach but not at \$200 a night. Mr. Donahue has done a great job with other projects. The county should look at proffers (public access or cash).

Frank Burke said he is disappointed at a number of the comments, the River's Landing homeowners are not good neighbors, they allow their dog to walk the property and not clean up. He has put \$30,000 to overhaul the septic to run a restaurant and bar. This property was up for sale with no takers. The homeowners dock was to be used which was deeded by Herb Stover. He said he remembers when old black men used the dock to fish off for years and now no one can use the dock. This is an excellent project with good potential.

Mr. Palin asked the homeowner association if they own the dock/pier and the possibility of working together to have public access.

Mrs. Devereaux said she was unsure because the homeowner association got a loan from FEMA after the dock was destroyed by Hurricane Isabel. She would have to meet with the homeowners.

Mr. Beauchamp asked if a 30 day delay would have a major impact on the project.

Mr. Spivey said they would like to open in June which is prime time and 30 days may deter the project. There maybe problems or other concerns with obtaining permits.

Mr. Palin asked if they were open to cash proffers.

Mr. Spivey stated he can not offer that without Mr. Donahue permission. They could work with the county to find public access.

Mr. Spivey stated the project is currently called the Old Ferry Road Inn and that may change.

Chairman Jenkins closed the public hearing.

Dr. Russell said the board has received a lot of information at the last minute on the project and he can not make a decision based on financial status of the developer. Mr. Donahue has done great things for the county, however; he needed more details on this project prior to making a decision.

Mr. Beauchamp said this project would be a much better use of the property. The sheriff has gotten a number of calls for disturbances at that

location. The Sheriff's office has deemed that location the drug distribution center of the county.

Mr. Beauchamp made a motion to Table the Expansion of a Nonconforming Use for a restaurant, to a 27-unit hotel by Donahue Properties LLC until the next regular Board of Supervisors meeting which will be held Thursday, October 26, 2006.

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

CONSENSUS DOCKET

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

A. Minutes for August 19, 2006, August 31, 2006 and September 16, 2006

Recommendation: Approve the minutes as submitted.

B. Domestic Violence/Sexual Assault Awareness

Recommendation: Adopt the following resolution:

WHEREAS, domestic violence and sexual assault are violent crimes that affect people of all races, ages, income levels and sexes; and

WHEREAS, the crimes of domestic violence and sexual assault violate an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control or abuse; and

WHEREAS, in the United States, more than three women are murdered by their husbands or boyfriends every day and approximately one million incidents of domestic violence and 250,000 rapes and sexual assaults are reported annually; and

WHEREAS, one in four women will be raped in their lifetime, one in three girls and one in six boys will be sexually assaulted by the age of 18 and 80% of the children assaulted will know the person that assaulted them; and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence and sexual assault cost the nation billions of dollars annually in medical expenses, police costs, courts costs, shelters, foster care, sick leave, absenteeism and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to these heinous crimes.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors proclaims the month of October as Domestic Violence/Sexual Assault Awareness Month and urges all citizens to participate actively in the scheduled events and programs to eliminate the use of personal and institutional violence against victims of these crimes.

C. Kilmarnock United Methodist Church

Recommendation: Adopt the following resolution:

KILMARNOCK UNITED METHODIST CHURCH

WHEREAS, Lancaster County is blessed to have a large number of active churches in its community; and

WHEREAS, some of these churches have been in existence for many years; and

WHEREAS, in 2006 the Kilmarnock United Methodist Church is celebrating 100 years of ministry to its congregation and the community; and

WHEREAS, the Lancaster County Board of Supervisors appreciates the ministry the Kilmarnock United Methodist Church has provided to the citizens of Lancaster County.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors commends the Kilmarnock United Methodist Church for its longevity and ministry to the community; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors encourages Lancaster County citizens to attend the November 12, 2006 celebration of 100 years of ministry by the Kilmarnock United Methodist Church to be held at 11:00 a.m. service at the sanctuary at 89 East Church Street, Kilmarnock, Virginia.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of September 2006 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for September 2006 in the amount of \$174,976.68 and Invoice Listings for September 2006 in the amount of \$430,054.68.

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

2. Application for Special Exception, Individual Manufactured Home – Tynesha Davenport – Mr. Larson presented an application for Special Exception by Tynesha Davenport to place an individual manufactured home on property identified as Tax Map #13-142. The subject property is off VSH 618, Nuttsville Road, near Nuttsville, Virginia in Voting District 2.

Mr. Larson stated this issue was heard at public hearing at the August 31, 2006 regular meeting of the Board of Supervisors. An adjoining property owner, Ms. JoAnne Veney Mynatt questioned the legitimacy of a recorded easement across her property to provide ingress and egress and underground utilities to Ms. Davenport's property. Ms. Mynatt did not have supporting documentation, but claimed that Mr. and Mrs. Laws, was not valid. Consideration of the issue was continued to this meeting to investigate Ms. Mynatt's claim.

Mr. Larson said he attached copy of Will Book 52/Page 160 shows the property was willed to Ms. Laws only in 1993. The land card maintained by the Commissioner of the Revenue, also attached, shows Ms. Laws was the only owner of record from August 19, 1993 to March 26, 1996. Her signature on the deed of easement dated March 20, 1995 is therefore the only signature required and makes it a valid document.

Mr. Palin made a motion to Approve the Application for Special Exception for an Individual Manufactured Home for Tynesha Davenport.

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

3. Personal Property Tax Relief – Mr. Pennell stated its 2005 Appropriations Act, the Virginia General Assembly “capped” the state’s reimbursement for the Personal Property Tax Relief Act that has been adopted as state law. Previously, the state was obligated to reimburse localities 70% of the tax revenues those localities would have received on private motor vehicles valued less than \$20,000 and a maximum of that amount on private motor vehicles valued over \$20,000.

Mr. Pennell said while the citizens of Lancaster County and every other jurisdiction in Virginia will be paying an increased amount of money for their personal property taxes in 2006, the localities are not responsible for this action. These citizens will no doubt believe that local government has done something to raise their personal property taxes.

Mr. Thomas said the responsibility for Virginia’s citizens paying increased personal property taxes rests squarely upon the shoulders of Virginia’s General Assembly members. Had the General Assembly not reneged on its commitment to reimburse localities 70% of the value of private motor vehicles to a maximum value of \$20,000, Lancaster citizens would not be paying this much in personal property taxes.

Mr. Beauchamp made a motion to adopt the following resolution for Personal Property Tax Relief:

PERSONAL PROPERTY TAX RELIEF

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require Lancaster County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to Lancaster County, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW THEREFORE BE IT RESOLVED, by the Lancaster County Board of Supervisors that: Qualifying vehicles obtaining situs within Lancaster County during tax year 2006, shall receive personal property tax relief in the following manner:

- a. Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- b. Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 52% tax relief;
- c. Personal use vehicles valued at \$20,001 or more shall only receive 52% tax relief on the first \$20,000 of value; and

d. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

e. In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

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

4. High School Wastewater Repairs – Mr. Pennell said because the school administration/board was unable to attend the August 31, 2006 regular Board of Supervisors meeting, invoices were held for this meeting for an exploration in order to appropriate the necessary funds. School administration forwarded additional invoices (Rancorn Wildman - \$5,128.15 and GET Solutions - \$1,841.00) for payment for work that has been completed on the high school’s wastewater repairs and canopy construction. These expenses have not yet received a supplemental appropriation from the Board of Supervisors.

Mr. Pennell said it appears that the engineering/architectural services have a contract price of \$42,400 but to date only \$34,528 has been appropriated by the Board of Supervisors for these services. He is uncertain if the October and January appropriations of \$6,900 and \$139.47 (included in the \$34,528) are part of the \$42,400 cost for Rancorn Wildman’s fees. It also appears there are

“reimbursable expenses” as part of the contract that are outside the cost of the professional services. He said he was also unaware of the purpose for the GET Solutions invoice. He requested that a representative of the school administration/board be present to answer questions but no one is present.

Dr. Latimore said the total cost for the job was \$435,866 and \$295,196 has been appropriated, leaving a balance of \$140,670. He asked the board to appropriate the balance.

Mr. Palin made a motion to Approve the appropriations the amount of \$140,670.

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

5. Release of Road Performance Bond – Oak Hill Subdivision – Mr. Larson stated the Board of Supervisors having agreed to accept Oak Hill Drive into the secondary road system at its August 31, 2006 meeting, and the developer Robert B. Bragg III, having posted all required bonds and fees with VDOT. Mr. Bragg requests that the cash performance bond held by Lancaster County in the amount of \$14,584.25 (balance as of August 31, 2006) be released.

Mr. Larson said Mark Fridenstine with VDOT has confirmed that all fees and bond requirements have been met. The balance of the bond identified was held by Lancaster County to ensure that fact.

Mr. Jenkins made a motion to Release the Road Performance Bond for the Oak Hill Subdivision to the developer Robert B. Bragg, III in the amount of \$14,584.25.

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

BOARD REPORTS

Tropical Depression Ernesto

Mr. Geilich said Tropical Depression Ernesto reeked havoc here in Lancaster County. He stated he would like to publicly thank Dominion Virginia Power and Verizon for responding so quickly to the needs of our citizens.

Health Insurance Concerns

Mr. Jenkins stated there would be a special session for employee with health insurance concerns. He stated that he and the county administrator would meet with the employee in an informational forum and break out into individual sessions for employee with specific concerns.

Mr. Geilich stated the board thought they were doing the right thing, however; their concerns need to addressed and alleviated.

Mr. Jenkins said employees are still dissatisfied with lack of access to services, lack of marketing, and short-term reduction of benefits. The Single Employer Trust (SET) will allow us to start building.

By consensus of the board, Mr. Jenkins and the county administrator will meet with employees and provide each employee with a copy of the manual.

Town of Kilmarnock

Mr. Pennell stated a meeting with the Town of Kilmarnock needed to be scheduled to further discuss the Boundary Line Adjustment.

The board agreed to meet with Kilmarnock Town Council on Thursday, October 5, 2006 at 4:00 p.m. in the Town of Kilmarnock's Conference Room.

COUNTY ADMINISTRATOR REPORT

Courthouse Space Needs Study

By consensus of the board – cut an additional 5% off the space needs requests and have Wiley & Wilson prepare the next step in this process.

Tropical Storm Ernesto

Mr. Beauchamp stated that the Lancaster County Department of Emergency Services had a meeting on September 26, 2006 and acknowledged that Ernesto caught everyone by surprise.

Mr. Pennell said Emergency Services worked better as they were more prepared.

Dr. Russell said he had a concern as the radio station did not announce a storm warning and did not aired the recorded emergency service announcement often enough, as they continue to play the music.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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