

**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 29, 2011.

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

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

**PUBLIC INPUT**

Charles Costello, District 2 stated one year ago the New Judicial Center was dedicated and the Board made the right decision to move forward and had it constructed, the Board should be commended. The New Judicial Center looks great and is serving the community well. He said the county has donated \$50,000 and \$32,000 from the Economic Development Authority toward having a Rappahannock Community College site in Kilmarnock which is great for all citizens of Lancaster County and the surrounding counties that will benefit. He asked the board to consider investing further to ensure that the community college stays here.

**PRESENTATIONS**

1. Lancaster County Schools Introduction of Officials – Dr. Daniel Lukich, Superintendent of Schools stated the school was off to a great start despite the

hurricane, earthquake, rain, etc. He wanted to introduce the following school officials:

Merle Stables – Assistant Superintendent

John Mann, Director of Operations

Sue Salg – Finance Director

Alicia Carter - Director of State and Federal Programs

Holly Wargo – LPS Principal

Kim Hammond – LMS Principal

Lori Watrous – LHS Principal

Lori Watrous, LHS Principal said they are emphasizing the importance of Learning, Communicating, Partnering, and Succeeding and in doing so the principals of all three schools have shared goals. She said at Lancaster High School the first goal is learning, focusing on student achievements by emphasizing instructional planning and delivery and collecting and achievement data. The graduation completion index is 94% and continuing to work on opportunity for student achievement. Another goal is safety and supervisors. There is a new affective school wide discipline program call Respect, Integrity, Service and Excellences (R.I.S.E.), this program encourage a positive school climate that reduces negative conduct issues and bullying. She invited the board to visit the high school and Homecoming will be held Friday, October 21, 2011 at 7:00 p.m.

Kim Hammond, LMS Principal stated they recognize that middle school students experience great changes, intelligently, socially, emotional, and physically during the years between elementary school and high school. The staff at the middle school is committed to help each and every children successfully transition through the middle school years. Some of the goals for this school year are to collaboratively shape the disciplinary plan and anti-bullying efforts and focusing on the habits of success which are Respectful, Responsible, and Reliable. The middle school staff would like to increase academy achievement for all of the

students and partner and communicate effective with all of the families. We want to build staff morale, increase student participation in clubs, activities, and sports, provide quality programs, and develop a long term plan to continue to succeed in the future. The Lancaster Middle School still remains fully accredited.

Holly Wargo, LPS Principal said they have four focuses at the primary school this year which includes safety and supervision. They will be reviewing the discipline plan making sure it is aligning with school wide discipline theme. Secondary, closing the achievement gap as a Title I school and this is the second year earning acquaintance yearly progress. Third goal is relationships and collaborations; this will be achieved through shared decision making with all stakeholders. Fourth goal is student connections though after school programs which includes drama, sums, choirs, foreign language club and many other programs. The school division will focus on adopting and sustaining programs that support learning, communicating, partnering and succeeding and look forward to continuing a positive partnership with the county.

Dr. Lukich said the State Department of Education has proclaimed November Education Month and he invited the Board of Supervisors to visit the schools. He stated there will be a Veterans Day Program held at Lancaster Middle School on Friday, November 11, 2011 which would be a great time to visit.

Mr. Jenkins wanted to thank Mr. Mann for looking at the Capital Improvement Budget and saving the county taxpayers a lot of money.

Mr. Beauchamp wanted to thank Mr. Mann because Lancaster Middle School was opened as a shelter during Hurricane Irene. He stated 153 citizens that stayed overnight the cooperation from Mr. Mann and other staff was simply unbelievable. Everything went well, because school had not officially opened there was no food and Wal-Mart donated nearly \$550 worth of food. Again, congratulated Mr. Mann on a job well done.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **County Road Maintenance**

Robert Harper stated all the clean up and roadway damage repairs are now completed following Hurricane Irene. He thanked all county personnel, local fire departments, sheriff department and the citizens for all the help gave throughout the storm.

Mr. Harper said the paving in the county started April 2011 and is almost complete for this season. That spot on VSH 354/River Road which has been discussed will be repaired.

Mr. Harper stated they are getting ready for snow removal; they are currently soliciting bids and getting equipment serviced and ready.

Mr. Jenkins asked about VSH 201/White Chapel Road where Blakemore Mills Pond used to be the road has been eroding away. He asked if that would be repaired.

Mr. Harper stated they will need to put some rip rap on the sloop and he working on getting someone in to perform the work.

Mr. Beauchamp asked about the speed limit study on James Wharf Road.

Mr. Harper said he has not received anything back on the speed limit study on James Wharf Road to date.

### **PUBLIC HEARING**

1. Application for Special Exception – Dominion VA Power - Mr. Gill presented an

Application for Special Exception by Dominion Virginia Power to build an electric utility substation on a 14.8379-acre parcel described as Tax Map #28-202. This property is zoned A-2, Agricultural General and is located near the intersection of VSH 646 (Old Salem Road) and VSH 670 (Ring Farm Road) in District 4.

Mr. Gill stated Article 4-1-21 of the Lancaster County Land Development Code will permit an electric utility substation, but requires a special exception if it will exceed 35 feet in height. Certain components of the proposed substation will exceed that 35 feet height restriction.

Mr. Gill said the proposed substation has been strategically located between existing substations located off Yorkshire Street (the old Black Stump Road) near Kilmarnock and off Blueberry Point Road near White Stone. Those existing substations are nearing capacity, creating a need for an additional substation. The proposed substation will be similar in size to the existing substations, but has the capacity for future expansion. The proposed location is beneath an existing transmission line and within an existing 120 feet wide electric utility easement.

Mr. Gill stated VA Power states that the proposed substation will benefit residents of Lancaster County by providing additional electric service reliability and relieving congested circuitry in the grid and should shorten potential power outages should they occur. Possible health hazards from exposure to electric and magnetic fields are negligible based on a recent Virginia Department of Health Report which states, “there is no conclusive and convincing evidence that exposure to extremely low frequency electromagnetic fields emanated from nearby high voltage transmission lines is causally associated with an increased incidence of cancer or other detrimental health effects in humans.”

Mr. Gill said he provided the board with a package which included the

Special Exception Application, two maps, the site plan showing the completely fenced-in area of the proposed substation and narratives documenting its need and safety.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. To date, there have been five responses from the public. He said two were calls from adjoining property owner opposed citing health concerns and decreased property values, one email was in support, one caller wanted more information, and one caller asked about the potential of hooking up Rappahannock Westminster Canterbury from this proposed substation.

Chairman Beauchamp opened the public hearing.

Ava Lewis stated she lives at 470 Ringfarm Road and owns property adjacent to the property being considered for this special exception and is the spokes' person for some of the concerned property owners in her neighborhood. She stated everyone enjoys the benefits of electricity, the Virginia Code 13.3 stated that Special Exceptions shall be approved only if it is found that the location is appropriate and not in conflict with land use, that the public health, safety, morals, and general welfare will not be adversely affected, and that the necessary safe guards will be provided for the protection of surrounding property, person, and neighborhood values. She stated she strongly believes that there will be adverse affects with the proposed plan. She has twenty years in real estate sales, and it is her opinion without doubt that there has a negative impact on the marketable and values homes and home sites located by the substation. In addition to the economic impact there are issues of public health and safety that need to be considered. She reminded the board of the explosion and fire at the Warsaw substation in May 2010, three fire departments in Richmond County as well as one for Callao were required to put out the fire, plus there were other first responders needed for support. She said if the substation could be relocated on

the property toward the road further away from the residential parcels and the deed should include a covenant prohibiting subdivision of the subject property. Additionally, Dominion could provide an agreement documenting required wooded buffering around the property for screening between the adjacent property and safe guarding around the substation itself. If this special exception is approved at this meeting there are no guarantees safeguards in place to ensure that Dominion provided any buffers for the neighborhood residential character.

Phillip Williams, Director of Operations at Rappahannock Westminster Cranbury retirement community and assistant living facility indicated that they are located approximately one mile from the proposed substation. He stated over the last three years there has been 12 power outages and six of those power outages have lasted between 2 - 26 hours. Being a retirement community those are concern for the individuals that resident at RW-C. There are approximately 230 residents and 40 live in independent homes, 78 in cluster homes, 38 apartment and about 78 - 80 assistant living and nursing home beds. The nursing center auxiliary power, however, in the independent homes they are completely without auxiliary power. He said RW-C is in favor of the special exception made by Dominion Power to put in a substation and believes they will benefits.

Courtney Fisher, Dominion Power Representative introduced some of the project team. She stated she wanted to respond to some of the concerns made by Mrs. Lewis. The first property is located .22 miles to substation and the closest property located 500 feet, but has not heard from those property owners. She said Mrs. Lewis' property is located about 2.5 miles to the proposed substation. She said property value would not be negativity impacted by a substation or transmission lines. There is a lot of fear when a new situation comes along, but afterward sees the benefits.

Mr. Jenkins asked as a result of this would Dominion Power be adding additional transmission lines across the property.

Ms. Fisher said there is an existing 120' wide easement that contains a 115KB line.

Mr. Jenkins said is it correct that other than those connecting wire to attach that the grind entrance, Dominion will not be adding any new transmission lines to the property that currently exist?

Ms. Fisher said that is correct, the proposal is for a substation.

Mr. Jenkins said the EMS concerns about the magnetic field did not come from substation; it came from high tension lines.

Ms. Fisher stated she works a lot of line jobs and can speak to EMS concerns. She indicated Dominion provided Mr. Gill with information, the Virginia Department of Health studied EMS in the 1970's when concern first began to appear, are there any causal effective from EMS. They have studied this for 13 years and the package summarizes their final thoughts which stated there are no causal effects that they could find. The last report was submitted in 1989; however, they continue to follow any new research. She stated a soda machine or hair dryer admit more EMS then you would have standing at the edge of a substation or near the lines.

Mr. Jenkins asked it the substation would increase any voltage or anyway cause power to surge over the line that currently exists.

Ms. Fisher said no, this is a distribution substation so it is a step down from a distribution level, it will not increase the voltage. She stated she wanted to address the concern of Mrs. Lewis about a fire. Fires at substation are very small; Dominion had responders to make sure it is safe before fire and rescue arrive. They have 15 acres with a 1.35 acre substation in order to improve and maintain

the reliability of the system; they would be willing to meet with Mrs. Lewis and the concern citizen during the site planning to perhaps moving the substation a little further back on the property with buffering and landscaping.

Mr. Beauchamp said that Dominion is willing to buffer the substation and that would not create a problem for Dominion Virginia Power.

Ms. Fisher would be unable to plant trees in the transmission line easement but could certainly plant to the rear of the property; however, they are willing to work with the neighbors to satisfy all involved.

Dr. Russell asked about the feasibility or likelihood that an additional feed to RW-C.

Ms. Fisher stated she checked with the electrical planner and that is in the works.

Mrs. Lewis asked if the substation could be turned, not to be as close to the residential properties. She asks the board to defer a decision on this issue until there is an agreement in writing.

Dr. Russell asked Mr. Williams if this would take away from the property value of RW-C.

Mr. Williams said he does not believe so because the proposed substation is approximately a one mile away.

Mr. Beauchamp asked if Dominion would be willing to relocate the substation on the property as indicated.

Ms. Fisher stated that is possible.

Dr. Russell asked if it would cause a delay.

Ms. Fisher said no and that Dominion hopes to work this out with the property owners in this neighborhood.

Chairman Beauchamp closed the public hearing.

Mr. Geilich stated he would have to abstain because of conflict of interest.

Dr. Russell made a motion to defer this Application for Special Exception by Dominion Virginia Power to build an electric utility substation on a 14.8379-acre parcel described as Tax Map #28-202 zoned A-2, Agricultural General located near the intersection of VSH 646 (Old Salem Road) and VSH 670 (Ring Farm Road) to the October 27, 2011 Board of Supervisors meeting.

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

2. Application for Zoning Ordinance Amendment Article 4, A-2 Agricultural General District – Neil and Robin Payne – Mr. Gill presented an Application for Zoning Ordinance Amendment by Neil and Robin Payne to add the following permitted use to Article 4, the A-2 Agricultural General District:

4-1-7A Abattoir (commercial slaughterhouse), with a special exception.

Mr. Gill said Neil and Robin Payne own a farm, zoned A-2, near Miskimon and have been slaughtering and processing their own animals as well

as deer for Hunters for the Hungry for several years. Slaughtering and processing your own animals is a by-right permitted use under the general definition of agriculture as a means of disposition of a farm raised product. The processing of deer for Hunters for the Hungry has also been viewed as a by-right permitted use under the home occupation definition. The Payne's have recently constructed a state-of-the-art slaughtering and processing building, on an adjacent A-2 farm they own, to expand this business into a custom operation in which they not only slaughter and process their own animals, but livestock owned by others as well. They also plan to custom cut meat for sale to the public and are in the process of obtaining state and USDA certification to do so. The expansion of this business to a custom operation that slaughters and processes animals not raised on their own farm, for sale to the public, is a commercial venture that exceeds what is allowed by-right under the general definition of agriculture. As a result, the Payne's seek to amend the zoning ordinance by adding "abattoir (commercial slaughterhouse), with a "special exception" as a permitted use in the A-2 Agricultural General District to enable them to accomplish their goals.

Mr. Gill said the term "abattoir" was chosen as it describes the proposed operation and is already defined in the zoning ordinance, even though it is not listed as a permitted use in any zoning district. The special exception provision was included to allow each prospective parcel to be considered on its own merits for this potential use and to allow the public a voice in the decision making process.

Mr. Gill stated staff views this request to amend the zoning ordinance as reasonable and appropriate. A commercial slaughterhouse is a commercial business that should be located in an agricultural district. A commercial slaughterhouse belongs in farm country and not in downtown Kilmarnock, and is needed in this area. Local farmers have had to take their livestock hundreds of miles away for processing at facilities in Fauquier County or Suffolk. The local foods movement has gained momentum with the popularity of farmers markets

over the past several years and there is growing interest in locally produced meat. Mr. Matthew Lohr, Commissioner of the Virginia Department of Agriculture and Consumer Services and Mr. Kelly Liddington, Agriculture Extension Agent for Richmond County, have provided letters documenting the need for local slaughtering facilities.

Mr. Gill said the Planning Commission has forwarded this zoning ordinance amendment to the Board of Supervisors recommending approval by a unanimous vote.

Mr. Gill stated advertising has been conducted as required by law. To date, other than the discussion at the Planning Commission meeting, there have been two inquiries for additional information.

Mr. Jenkins said this is the best thing to come along in quite a while. It is a service that is needed and is a perfect fit for our area. Currently, individuals have to travel to Fauquier County; with all the cow farms in this area, this would be a welcome service.

Mr. Palin stated he is in favor of this request and agrees this is a much needed service for our area.

Chairman Beauchamp opened the public hearing.

George Thomas, Commission of the Revenue stated he did not hear any reference to retail sales, etc.

Mr. Gill said the word commercial cover retail sale.

Robin Payne stated this is their livelihood and that this is for the local farmer that will be able to raise more live stock and the farmer will need to hire

help. This could be a snowball effect with more employment, opening a store, etc. She said she is the financial brains; however, this is her husband's calling. She stated she has spoken to the State, USDA, DEQ, EPA and countless other organizations and final everything is in order and they are ready to move forward.

Dr. Russell asked how long they have lived in the county.

Mrs. Payne said six years.

Mr. Costello stated the Comprehensive Plan talks about being a rural area and this is just the type of business the county should be supporting. This is a perfect location for this type of business.

Chairman Beauchamp closed the public hearing.

Dr. Russell thanked the Paynes for moving to Lancaster County, what we need are entrepreneurs and this is the type of business that will stimulate activity. We are always talking about economic development and job growth and this is the kind of business that will get us on the right track. He welcomed the Paynes and wished them much success.

Mr. Palin made a motion to Approve an Application for Zoning Ordinance Amendment by Neil and Robin Payne to add the following permitted use to Article 4, the A-2 Agricultural General District:

4-1-7A Abattoir (commercial slaughterhouse), with a special exception.

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

3. Application for Special Exception – Neil and Robin Payne – Mr. Gill presented an Application for Special Exception by Neil and Robin Payne to operate an abattoir (commercial slaughterhouse) on a 110.75-acre parcel described as Tax Map #8-4. This property is zoned A-2, Agricultural General and is located on VSH 201 at 6720 Courthouse Road in District 2.

Mr. Gill said as the preceding public hearing, to amend the A-2 Agricultural General District by adding “*Abattoir (commercial slaughterhouse), with a special exception,*” has been acted upon by the Board of Supervisors, this special exception request can now be considered.

Mr. Gill stated the discussion in the memo from the preceding zoning ordinance amendment (to permit commercial slaughterhouses in the A-2 district) documents how the Paynes got to this point. They have built a state-of-the-art slaughtering and processing building on this 110.75-acre parcel near Miskimon and are anxious to operate it as envisioned by custom slaughtering and processing livestock owned by others and custom cutting meat for sale to the public once their state and USDA certification is obtained.

Mr. Gill said staff views this special exception request as reasonable and appropriate. The slaughterhouse is located in an agricultural district amidst large acreage farms. It will provide a local outlet for local farmers who have previously had to take their livestock hundreds of miles away for processing at facilities in Fauquier or Suffolk. It will provide local residents with access to locally produced meat filling a niche created by a local foods movement that has gained momentum over the past several years. Risk of environmental hazard or public nuisance is negligible as all killing of animals will be inside the structure and the animal carcasses will be kept in sealed containers in refrigerated storage until they

can be picked up for disposal on a weekly basis by Valley Protein.

Mr. Gill stated that this Special Exception package included the Application, the GIS map, a survey/site plan showing the location of the slaughterhouse on the parcel, the Payne's' business plan, the Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan, the building floor plan, the Department of Health's Construction Permit for the well and septic system, an engineer's report and calculations for the structure and various pictures of the slaughterhouse.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, including the related discussion at the Planning Commission meeting to amend the A-2 District to permit slaughterhouses, there have been twelve in favor of this request and two opposed.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by Neil and Robin Payne to operate an abattoir (commercial slaughterhouse) on a 110.75-acre parcel described as Tax Map #8-4 zoned A-2, Agricultural General located on VSH 201 at 6720 Courthouse Road.

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

Mr. Jenkins said he believes other board members are aware that this zoning process was not as clean as it was tonight. The Paynes began this process

last spring and invested \$360,000. Because of staff error, or change of opinion the Paynes were told this could not be done less than ten days before they were set to open. Because of the good faith that the Paynes have shown during this process; the county should at least refund the fee of \$300 for the zoning amendment application. He also asked the board to refund the \$400 for special exception.

Mr. Jenkins made a motion to refund Neil and Robin Payne \$300 for the Zoning Amendment Application fee.

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

Mr. Palin asked Mr. Gill if Neil and Robin Payne would still need the special exception.

Mr. Gill said yes.

Mr. Palin said he would not be able to support refunding of the special exception fee because the Paynes would have had to go through this process as per policy.

Mr. Jenkins made a motion to refund Neil and Robin Payne \$400 for the Special Exception fee.

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

Peter N. Geilich                      Aye  
Jack S. Russell                         Aye

**CONSENSUS DOCKET**

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

A. Minutes for August 25, 2011

Recommendation:    Approve minutes as submitted

B. Abstract of Votes – Republican Primary Election of August 23, 2011

Recommendation:    Accept the Abstract of Votes as submitted

C. Appointment to Middle Peninsula Juvenile Detention Commission

Recommendation:    Approve the appointment of Frank A. Pleva with  
his term expiring on June 30, 2014

D. Hurricane Irene - Waiver of Building Permit Fees

Recommendation:    Approve the Waiver of Building Fees per policy  
proposed by the County Administrator

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2011 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the salaries for August 2011 in the amount of \$234,908.14\* and Invoice Listings for August 2011 in the amount of \$778,983.64\*.

\*Judicial Center Expenses \$12,468.90

\*Capital Improvements \$24,427.56

\*Loan Interest \$165,777.83

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

2. Animal Control Shelter Staffing – Mr. Larson asked the board for consideration of securing a part-time person to perform daily cleaning of the Lancaster County Animal Control Shelter and other activities as directed by the Animal Control Officer.

Mr. Larson said concern has been raised by an interested member of the public that the shelter was being utilized at 50% capacity (fifteen dog cages), resulting in a greater euthanasia rate than would be experienced if it were being operated at full capacity. While it is true that the shelter is being operated at half capacity for dogs, it is not true that this results in a higher euthanasia rate. It is also not true that the reason for the reduced capacity is a failing or limited septic system.

Mr. Larson stated the full capacity reserved for cats of six cages is being utilized. The reason that the capacity for dogs is reduced is because the increased

daily cleaning requirement cannot be met by present staff which must also perform activities in the field. The present staff consists of the Animal Control Officer and his deputy who, between them, provide twenty-four hour, seven day a week support. They alternate days with the person on duty responsible for the daily cleaning. Proper cleaning of half the dog area and the cat area requires a minimum of three hours. That time would double if the whole shelter needed daily cleaning. Cleaning is normally done prior to opening the shelter to the public, primarily those interested in adopting dogs. If the officer on duty is called out during that time to deal with an animal control issue, there is no opportunity to finish cleaning the shelter prior to opening.

Mr. Jenkins made a motion to approve securing a part-time person to perform daily cleaning of the Lancaster County Animal Control Shelter.

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

3. Request for Abatement of Levies on Damaged or Destroyed Building – Bruce and Norma Jean Edwards (Tax Map 339A-1-21) - Mr. Pleva said during the Board of Supervisors' last regular meeting on August 25, 2011, it received a written request, dated August 22, 2011 from Bruce and Norma Jean Edwards to abate the levies (taxes) on their house at 596 Mosquito Beach Lane, White Stone, due to a fire that occurred on January 30, 2011 rendering the house unfit for use and occupancy. The Edward are requesting the tax abatement under Section 58.1-3222 of the Code of Virginia, 1950, as amended, which states, in part, that “the governing body of any county or city may provide for the abatement of levies on buildings which are (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner.”

Mr. Pleva stated Section 58.1-3222 also stipulates that to be eligible for a levy abatement that: (1) the minimum threshold of decreased valuation for the damage or destroyed building shall be \$500; and (2) “no such abatement shall be allowed unless the destruction or damage renders the building unfit for use and occupancy for thirty days or more during the calendar year”. The Edwards request would comply with criteria (1) and (2) above. Section 58.1-3222 further stipulates that the tax on such damaged or destroyed building shall be prorated based upon portion of the entire tax year that the building was unfit for use and occupancy.

Mr. Pleva stated the board deferred action on the Edwards’ request until the staff has an opportunity to further investigate the matter, including any previous tax abatements granted by a Lancaster County Board of Supervisors under the aforementioned Virginia Code section and what other criteria or conditions should the Board consider imposing during its consideration of such tax abatement requests. The staff was directed to report back to Board during its regular September 29, 2011 meeting.

Mr. Pleva said George Thomas, Commission of the Revenue, has indicated that to his recollection no such tax abatement has even been considered, much less granted, by a Board of Supervisor during his 16 years in office. So apparently no precedent has been set by a previous Board in the granting of such tax abatement request and, therefore, no additional guidelines or criteria have been established by a previous Board for the consideration of such requests.

Mr. Pleva stated subsequent to the Edwards’ written request of August 22, 2011 and the Board of Supervisors’ meeting on August 29, 2011, the Lancaster County Building Official verified that the Edwards’ house was damaged by fire and was rendered unfit for use and occupancy. Furthermore, a Certificate of Occupancy was issued for their repaired house on September 15, 2011.

Therefore, the house maybe deemed unfit for use and occupancy for 228 days in a calendar (tax) year 2011; that is, from January 30<sup>th</sup> through September 14, 2011.

Mr. Pleva asked does the board want to consider abatement on circumstance such as this, what type of criteria the board wants to give the staff for the future reference, and the board decided to move forward, how the board wishes to dispose of the Edwards' request.

Mr. Jenkins said there needs to be an application to include, under penalty of law, that the damage or destruction of the property was due to an act that they did not cause.

Mr. Geilich asked about assessment because the structure and property are assessed differently. Would the abatement be on both of those factors or just the building?

Mr. Pleva said it would be on the structure only.

Mr. Geilich said would like this process move forward and have the county staff bring a plan/policy to the October 27, 2011 regular Board of Supervisor meeting, along with a form or application by the county with the statement at the bottom having the individual swear that the information given is true and accurate.

## **BOARD REPORTS**

None.

## **COUNTY ADMINISTRATOR**

None.

**ADJOURNMENT**

Motion was made by Mr. Geilich to adjourn.

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