

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, September 30, 2010.

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

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

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Pennell informed the Board of Supervisors that VDOT would be unable to attend due to the severe weather, Robert Harper and Brookvale staff would be operating throughout the night. They are currently responding to sporadic downed trees and addressing high water concerns. They have moved a Richmond County tree crew and equipment from King George to Lancaster County. The remaining four county offices are staffed and resources shifted to the hardest hit counties which are Lancaster and Northumberland. It appears as though there is another strong band of weather moving our way.

Mr. Trapani also stated he will be leaving the Northern Neck Residency and going back to the Saluda. It will be some time prior to him leaving, however; once his replacement is named sometime in November he will move back to Saluda.

Mr. Geilich would like to have an update on the Hadlea Drive project.

Mr. Palin stated the site distance needs to be improved at the intersection of VSH 3/Mary Ball Road and VSH 600/Courthouse Road. There is a lot of brush at that intersection that needs to be cut back to the right going toward Lively.

PUBLIC HEARING

1. Application for Special Exception – Michele J. and Stratford W. Ward, Jr. – Mr. Gill presented an Application for Special Exception by Michele J. and Stratford W. Ward, Jr. to expand/enlarge an existing authorized non-conforming residential structure on a 0.4-acre parcel described as Tax Map #40A-1-1. This property is located at 129 Winona Drive near Windmill Point in District 3.

Mr. Gill said the structures on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance (6/1/1975), as evidenced by the attached surveyed plat dated 11/20/1972, and therefore are authorized non-conforming structures. Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated the parcel is zoned R-1, Residential General, which requires a 25-foot sideyard setback and a 50-foot front yard setback from the right-of-way. The proposed additions cannot meet either of those setbacks even though the proposed encroachments are less than the existing structures' encroachments. As a result, the applicants were forced to seek a variance from the Board of Zoning Appeals (BZA) for those proposed setback encroachments.

On August 2, 2010, the Board of Zoning Appeals granted that variance (Board of Zoning Appeals meeting minutes and approval letter was given to the board for its review).

Mr. Gill said the proposed additions are located outside the 100-foot Resource Protection Area (RPA) shown on the plat provided for the Board of Supervisors, and with the BZA variance, the Board of Supervisors can now grant the special exception to expand the existing authorized non-conforming structure if no legitimate concerns can be raised by adjoining property owners. Many similar sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no response from the public.

Chairman Russell opened the public hearing.

Hearing no comment, Chairman Russell closed the public hearing.

Mr. Geilich made a motion to approve the Application for Special Exception by Michele J. and Stratford W. Ward, Jr. to expand/enlarge an existing authorized non-conforming residential structure on a 0.4-acre parcel described as Tax Map #40A-1-1. This property is located at 129 Winona Drive near Windmill Point.

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

2. Application for Change of Zoning District Classification – James E. C. Norris and Motoko Endo Norris (owners) and Shelia L. King (proposed buyer) – Mr. Gill said an application for Change of Zoning District Classification from A-2, Agricultural, General to C-2, Commercial (Conditional) by James E. C. Norris and Motoko Endo Norris, Trustees (owners) and Shelia L. King (proposed buyer) for a 4.227-acre parcel described as a portion of Tax Map #16-61. This parcel is located at the intersection of VSH 3 (Mary Ball Road) and VSH 605 (Pinckardsville Road) in District 2.

Mr. Gill said the proposed buyer wishes to locate a country store on this parcel, but cannot do so under the current A-2 zoning. As a result, the applicant seeks to rezone the parcel to C-2 Commercial Limited. To help her request, she has presented a signed and notarized Conditional Rezoning Proffer to restrict the permitted uses to retail grocery and food store (a copy was provided to the Board of Supervisors for its review).

Mr. Gill stated this 4.227-acre parcel is currently wooded with an interior farm field. It is a portion of the larger Tax Map #16-61 which was once used as a racetrack and fairgrounds for traveling carnivals. It is located across Pinckardsville Road (VSH 605) from Connie's Florist, which is an existing authorized non-conforming use on an A-2 zoned parcel. It is also located across Mary Ball Road (VSH 3) from Brookvale Mini-Storage, which is an existing C-1 Commercial zoned parcel. This Brookvale area was once served by a similar type country store, which is no longer in operation (Brent's Store one-half mile down Pinckardsville Road).

Mr. Gill said the Comprehensive Plan suggests that commercial activity be located in or near the towns and in or near traditional village areas. This parcel is neither, however this request is considered reasonable given the parcel's location near existing commercially zoned property and the fact that this area was once served by a similar type country store in very close proximity.

Mr. Gill stated a successful rezoning is just the first step in this proposal. The applicant will need to complete the subdivision process for this 4.227-acre parcel. She will also need to locate primary and reserve septic sites on the new lot. She will also need VDOT approval for a commercial entrance off of Pinckardsville Road (the parcel is not wide enough to justify an entrance off of Route 3, but does comply with the other provisions of the Highway Corridor Overlay District). VDOT approval would be required before the site plan could be approved or building permits issued, but it creates an additional expense at this stage that would be wasted if this initial step of rezoning was not approved. The applicant understands that there is no guarantee of approval even though she has paid the required rezoning fee of \$500.

Mr. Gill said eighty-two petitions signed by people in favor of the proposed country store were presented at the Planning Commission's public hearing. Fifty of those petitions were signed by residents with valid addresses along VSH 3, VSH 605 and VSH 615 and thirty-two petitions were signed by people who regularly travel those routes, but do not live on them. Specifically, four petitions originated from residents along VSH 3, sixteen along Lancaster County's portion of VSH 605 called Pinckardsville Road, twenty-five along Northumberland County's portion of VSH 605 called Mt. Olive Road and five along VSH 615 which is on the county line. A map outlining these breakdowns and a copy of the blank petition has been given to the Board of Supervisors for review.

Mr. Gill said the Board of Supervisors has been provided with the rezoning application, the rezoning plat/site plan, a sketch of the front of the proposed store, the floor plan of the proposed store, the conditional rezoning proffer, the applicable Planning Commission meeting minutes and copies of the opposition and support letters submitted with this proposal thus far.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. Other than the input previously discussed, there has been no response from the public.

Chairman Russell opened the public hearing.

Margarat Denkinger, lives on Levelfields Lane said her concern was the petition which was sent out by the people applying for the special exception. It states that the convenient store would be located on the corner of VSH 3 and VSH 605/Pinckardsville Road but she is now led to believe that it will not be on the corner but further down the road close to entrance of Levelfield Lane. She also stated she has concerns about the traffic because people travel very fast and believes that more accidents would occur at the intersection if the store is built. They have a very quiet and nice neighborhood and believe it will change if the store is built. She has nothing against the individuals who would like to build the store, however; there could be a better location in Lancaster for a convenience store. She provided the Board of Supervisors with a petition from some of the Levelfield Lane and other residents in opposition to this request.

Rebecca Jett George, lives on Wayne's Way stated she is not in opposition to someone trying to start a business, she just prefers that it is not located in her neighborhood. The main concern is the increase of traffic on Pinckardsville Road. There are other locations within the towns or in the county better suited for this type of business.

Jackie Graves, Levelfield Lane resident said Connie's Florist is not an operating business and does not think the store should be there because of the traffic concerns.

Ann Carter, District 2 citizen, the board should protect the citizens of the county. She said this is clearly spot zoning. She stated Dr. Norris is a good

person and she has the utmost respect for him and thinks this is a good plan, just in the wrong location. She asked the board not to approve this special exception.

Catherine Bennett said they own three properties on Pinckardsville Road and traffic is already enormous on the road. She believes putting a commercial building/business on Pinckardsville Road will make traffic worse and also thinks this would be considered spot zoning which goes against the Comprehensive Plan. She said there have been deaths at the intersection due to heavy traffic and if the store is built there will be more traffic at an intersection which already requires a traffic light. She has concerns about the screening, lighting, etc. There are other existing properties in the county that would be better suit for a convenient store already zoned commercial.

Shelly Bush Jones lives on Crawford's Corner Road and has a daughter that will be driving soon and the road is already dangerous. The traffic will certainly increase making Pinckardsville Road even more dangerous than it is already.

Charles Costello, District 2, the Board of Supervisors approved the Comprehensive Plan to keep businesses in or near the villages. He said this parcel is part of 30 acres and after this parcel is zoned commercial what will stop the other parcels from being rezoned commercial. The reason the self storage is located there is because it is next to VDOT Brookvale Residency and Connie's Florist as a non-conforming business. There are other properties that could be clearly rezoned from agricultural to commercial. He said legally it is not "spot zoning" but has the feel of "spot zoning". He asked the Board of Supervisors to deny this request.

Dr. Norris said he gave Mr. Cockrell a postal card dating back to the 1930s sent from Brookvale to Reedville. On front of the postal card was a chef/baker with a caption saying "You don't knead much dough, if you shop at

Brookvale”. Having the property rezoned as commercial is not new because this area was commercial in the past. He stated this would not be considered spot zoning and he has owned this property for 50 years. This is a viable plan as this area needs revenue and jobs. He asked the Board of Supervisors to approve the request.

Dr. Russell asked Dr. Norris if he owned the 30 acres.

Dr. Norris said yes.

Dr. Russell asked Dr. Norris if he would consider more commercial properties at that location.

Dr. Norris stated he does not have plans for more commercial properties because he is not a developer, however; if someone has a viable plan to benefit the county, he would entertain the idea.

Shelia King said she was born and raised in the area, pays taxes in the county and shopped at Brent’s Store when she was young. She would like to serve the community by selling fresh produce, fresh fish, a deli, serve breakfast and lunch.

Joe Elliott stated he has a petition with 85 petitions in favor of the store about the traffic on VSH 605 or VSH 615. He said he did not speak to anyone who travels VSH 3 about the traffic flow, however; spoke to VDOT about the deceleration lane which would be done at his expense. He showed a picture of the proposed store. He said “spot zoning” has been addressed at each of the Planning Commission meeting and it has been found not to be considered as “spot zoning”. He asked the Board of Supervisors to approve the request.

Mr. Beauchamp asked how many employees will be hired.

Mr. Elliott said he hope to have ten to twelve full time employees with hours of operations from 5:00 a.m. – 9:00 p.m.

Chairman Russell closed the public hearing.

Mr. Beauchamp asked if the structure would be back 120 feet off the right of way.

Mr. Gill said yes. The structure will be back 150 feet from the center line.

A citizen wanted to know how close to Levelfields Lane would the structure be located.

Mr. Gill stated the structure would be located down off Pinckardsville Road and the 4.227 acres of property is located at the corner of VSH 3 and VSH Pinckardsville Road. The county has a highway corridor overlay district which requires a setback from the centerline of the main corridor though the county of a 150 feet from the center line of VSH 3 and the entrance off Pinckardsville Road has to be 250 feet from the intersection and this structure meet those requirements. The Board of Supervisors has been given a copy of the site plan which shows the landscaping, lighting, etc. The entrance of the store will be approximately 300 feet from the property line.

Mr. Palin stated he has listened to the comments, reviewed the petitions and looked at the plans presented and does not think it is going to be a problem. He believes this convenience/country store will fit right into this area and would not be obtrusive. As the representative for District 2 there was a controversial application about one year ago in his district and he did what he thought was best. Here we are one year later and the residents are satisfied with what they see because it is not what they thought it would be. Again, after listening to the all the comments, he does not believe it will be what most of the residents think it

will be. He said VDOT will do a traffic study and does not foresee any problems with this request.

Dr. Russell agrees it is not spot zoning but believes it is contrary to Comprehensive Plan and has concerns about what might happen with the rest of the property once it is rezoned.

Mr. Jenkins said he thinks that has been an issue since McNeal's Storage Unit was zoned to commercial.

Mr. Beauchamp said he believes the Board of Supervisors agrees it is not "spot zoning" and with economy the way it is, this could bring jobs, which is needed. He has some concerns about the traffic, however; VDOT will be doing a study and he would have to support this request.

Mr. Palin made a motion to approve the Application for Change of Zoning District Classification from A-2, Agricultural, General to C-2, Commercial (Conditional) by James E. C. Norris and Motoko Endo Norris, Trustees (owners) and Shelia L. King (proposed buyer) for a 4.227-acre parcel described as a portion of Tax Map #16-61. This parcel is located at the intersection of VSH 3 (Mary Ball Road) and VSH 605 (Pinckardsville Road), conditioned upon the applicant's proffer to restrict the permitted uses to retail grocery and food store.

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

Vote passed 3 -2.

3. Application for Zoning Ordinance Amendment Article 1, Private Boathouse Definition – Ken Knull, Yankee Point Marina, Inc. – Mr. Gill presented an Application for Zoning Ordinance Amendment by Ken Knull, Yankee Point Marina, Inc., to change the definition of “Private boathouse” in Article 1-Definitions by adding the following italicized language in bold print:

Private boathouse – A structure or device, floating or temporary fixed, that encloses a boat and, in so doing, increases the profile of the boat by any amount. Placement of private boathouses is prohibited. ***“The term “boat house” shall not include a boat lift cover provided such boat lift cover consists of a frame with a fabric cover not exceeding 360 square feet, not more than 12 feet in width and not more than 10.5 feet above the water at any time, without sides, and provided further that all State and Federal regulations are met, and that all adjoining landowners consent in writing.”***

Mr. Gill said he and Mr. Knull had a meeting around the second week of April, concerning a floating boatlift that he wanted to become a dealer for and sell at Yankee Point Marina. The floating boatlift (*FloatLift*) looked like a good idea and had some nice features such as being solar powered and able to rise and fall with the tide. The second part of Mr. Knull’s presentation described an optional accessory that attaches to the *FloatLift* called a “*HoverCover*”. The cover attaches to the boatlift with four uprights that can be extended and lowered as needed. He looked over the literature and discussed the idea in a weekly staff meeting.

Mr. Gill said on April 14, 2010, he sent Mr. Knull a certified letter (provide the Board of Supervisors with a copy) that stated the *FloatLift*, by itself, was permissible in Lancaster County; however, the *FloatLift* with the attached *HoverCover* was **not** permissible as it constituted a private boathouse. Mr. Knull appealed my decision to the Board of Zoning Appeals (BZA) and on June 7 the BZA denied his appeal and agreed that the *FloatLift* with the attached

HoverCover was indeed a boathouse. (BZA minutes and applicable emails were also given to the Board of Supervisors for review).

Mr. Gill state the Virginia Marine Resources Commission (VMRC) has reviewed the *FloatLift* with the attached *HoverCover* and determined that combination to be a boathouse as well. (VMRC Emails given to the Board of Supervisors for review).

Mr. Gill stated Mr. Knull's final recourse is to propose an amendment to the zoning ordinance to change the wording of the private boathouse definition by adding parameters that would allow such boat lifts with attached covers. He has proposed the aforementioned additional italicized language be added to the existing "private boathouse" definition.

Mr. Gill said the ban on boathouses in Lancaster County dates back to January 1988 when the definition of "*boathouse*" was changed to "*A structure for storage and mooring of boats in a commercial facility*", and the phrase "*with boathouses or other structure attached, with a conditional use permit*" was deleted wherever it followed "*Boat docks, Private*" in the zoning ordinance. The Virginia Supreme Court upheld that Lancaster County was within its statutory authority to create such a ban. A zoning ordinance amendment in November 2002 applied the above definition to a "*commercial boathouse*" and created the definition of "*private boathouse*" that exists today. Those actions withstood an appeal to the Lancaster County Circuit Court in January 2003.

Mr. Gill said Lancaster County's ban on boathouses has helped preserve the pristine views along its 330 miles of tidal shoreline. Although the floating boatlift cover is low profile, it **will** obstruct those views more than a boat without one. The cover's cloth content and lightweight frames would be susceptible to damage during storms with the potential of littering the waters and shores with debris.

Mr. Gill stated the proposed additional language contradicts, rather than clarifies the language in the existing definition and creates parameters that would make enforcement much more difficult. It does not limit the cover to floating boatlifts, but applies to **all** types of boatlifts. Those not able to afford the *HoverCover* would try to “gerry-rig” their own version. The possibilities of PVC pipes with multi-colored tarps are endless. Approval of the proposed additional language would also certainly “open the door” for more people to devise other methods of defying the existing county zoning ordinance which bans boathouses.

Mr. Gill said he also provided the Board of Supervisors the zoning ordinance amendment application, the applicable minutes from the Planning Commission’s public hearing, copies of the petition signatures supporting the definition change that Mr. Knull presented at that meeting and emails and letters received thus far in opposition to this proposed definition change.

Mr. Gill said advertising has been conducted as required by law. Other than the input previously discussed, there has been no response from the public.

Chairman Russell opened the public hearing.

Ken Knull, owner of Yankee Point Sailboat Marina gave a presentation showing both the Board of Supervisors and public how the boat lift and hover cover works. He stated that many of the comments at previous meetings centered around obstruction of view and these low profiles does not obstruct the view. This product ties like a boat, but is a temporary structure with an unsinkable design and solar charged. He provided the Board of Supervisors with 90 emails in favor of this request. He believes there are already many violations to the boathouse ordinance that are not being enforced. He asked the Board of Supervisors to change the definition of a boathouse ordinance as requested.

Joe Urban, District 2 citizen stated it is an open-sided boathouse and why protect one class of boater. The current boathouse ordinance has been challenged and upheld in the past.

Charles Costello, District 2, said limit to one particular type of lift, but the definition was crafted for a number of different reasons over a long span of time. If this boat lift and hover cover is allowed, how you stop the other products from being allowed.

Jan Fadeley stated she was opposed to the change of the boathouse definition. She said Lancaster County shorelines have been protected for 22 years, by the 1988 amendment to zoning ordinance, which bans private boathouses. Because it has worked so well for many years, it would be shameful to destroy the success of the current ordinance by changing the definition of a boathouse to permit construction of a canvas cover on aluminum poles, which is by definition a boathouse. She asked the Board of Supervisors to deny this request.

Chairman Russell closed the public hearing.

Mr. Jenkins stated he supports the ban on boathouse and because of the proposed amendment with 10½ foot profile liability opens the door. He believes that the county should look at the definition of a retractable, automated boat cover in the future.

Mr. Beauchamp said he has heard many objections to the change and the current definition has served the county well for 22 years. As a realtor, he has sold a number of waterfront properties in Lancaster because of the ban of boathouses. He stated it is a great product, but does not believe a change to the definition should be made at this time.

Dr. Russell said he likes the product, but believes if the definition is changed the Board of Supervisors would be opening a can of worms. The current definition has worked well for 22 years and does not see the need to change at this time.

Mr. Palin stated he likes the product, but the current definition has served the county well for 22 years and does not see the need for change at this time.

Mr. Jenkins made a motion to deny the Application for Zoning Ordinance Amendment by Ken Knull, Yankee Point Marina, Inc., to change the definition of “Private boathouse” in Article 1-Definitions, but asked the Planning Staff to research retractable, automated boat covers for possible future consideration.

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

4. Resolution Authorizing the issuance of General Obligation School Bonds – Mr. Pennell said in order to continue the county’s application for a bond issue to pay for energy improvements at the Lancaster County Schools, it is necessary to conduct a public hearing before adopting an enabling resolution.

Mr. Pennell stated the resolution describes the process to issue these bonds, however; if there are addition questions or concerns Mr. Daniel Siegel, Sands Anderson, bond counsel, and Mr. Ted Cole, Davenport Investments, financial advisor, are available to answer questions.

Dan Siegel stated they are continuing to look for financing methods for the energy performance contract. The options are the tradition Virginia Public

Schools Authority General Obligation Bond, the Virginia Resource Authority, and Qualified School Construction Bonds. The best option at this point is the Qualified School Construction Bonds (QSCB) because the interest rate is close to zero percent. They are waiting on an executive order from the Governor to show how the funds would be allocated and the program disappears after this year.

Mr. Pennell stated this public hearing is for the Board of Supervisors to hear the options and hopefully approve all the resolutions and rescind the ones that are not necessary at the next regular Board of Supervisors meeting.

Mr. Siegel said the loan will be for about \$2.6 million, over 15 years, up to 5% interest.

Chairman Russell opened the public hearing.

Mr. Costello said this is a good idea to get these much need school projects going.

Chairman Russell closed the public hearing.

Mr. Beauchamp made a motion to approve the Resolution Authorizing the Issuance of General Obligation School Bond not to exceed \$2,600,000.

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for August 26, 2010

Recommendation: Approve minutes as submitted

B. Ban on Open Burning – Effective Noon, September 21, 2010

Recommendation: Adopt the following resolution:

**LANCASTER COUNTY, VIRGINIA
EMERGENCY BAN ON OPEN BURNING**

WHEREAS, due to the extremely dry conditions during this period in time, the Lancaster County Board of Supervisors, through its Department of Emergency Services and under the authority of §30-51 of the Lancaster County Code of Ordinances declared an absolute ban on open burning effective at 12 noon, Tuesday, September 21, 2010 throughout Lancaster County.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors ratifies this declaration of a local emergency because of the extremely dry weather conditions and the increase in the potential for uncontrolled fires; and

BE IT FURTHER RESOLVED, that this open burning ban will remain in effect until conditions improve and the risk of uncontrolled fire is diminished. Citizens are asked to contact the Lancaster County Sheriff's Office if an open fire is observed during this open burning ban.

BE IT FURTHER RESOLVED, that the Lancaster County Board of supervisors rescinds this ban on open burning at Noon, Friday, October 1, 2010 as a result of the 5+ inches of rain which fell on Lancaster County in the past 24 hours

C. Community Services Board – FY11 Performance Contract

Recommendation: Adopt the following resolution:

**Middle Peninsula-Northern Neck Community Services Board
FY 2011 Performance Contract and Operating Budget**

WHEREAS, §37.2-508 of the *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2011, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Lancaster County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2011 and presented to the Board is hereby approved and may be forwarded to the Department of Behavioral Health and Developmental Services as further required.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of September 2010 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the salaries for September 2010 in the amount of \$213,683.10* and Invoice Listings for September 2010 in the amount of \$831,508.78*.

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

*Judicial Center Expenses \$76,346.20

2. Judicial Center Furniture Responses – Mr. Larson asked for consideration of responses to a solicitation for Judicial Center Furniture.

Mr. Larson said responses were due Monday, September 20, 2010 by 4:00 p.m. There were two respondents for furniture, Smarter Interiors of Richmond, Virginia and Mega Office Furniture of Norfolk, Virginia. Both proposed the exact line of furniture described by our consultant. Neither proposed alternatives that would have allowed consideration of tradeoffs between cost and quality. A spreadsheet was given to the board which compares the two responses by line item with Mega Office Furniture offering the lowest prices almost without exception.

Mr. Larson stated W.F. Booth & Sons, Incorporated of Kilmarnock proposed two options for shutters and blinds. They were the only respondent for

shutters and blinds. The first proposal of substituted wood shutters for vinyl with vinyl blinds as specified.

Mr. Geilich made motion to Approve and Authorize staff to negotiate the best possible terms with Mega Office Furniture and W. F. Booth and Sons, Inc. with a not-to-exceed amount of \$260,000 to furnish the new Judicial Center.

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

3. Application for Special Exception – AT&T Mobility – Mr. Gill Application for Special Exception by AT&T Mobility to co-locate an antenna array on the existing Verizon Wireless tower located at 348 Ocran Road on Tax Map #34-373 in District 4.

Mr. Gill stated as per Article 25-17-3 of the Zoning Ordinance, this Special Exception request does not require a public hearing, as it is an application to co-locate on an existing tower with no increase in overall height. A site plan provided for the board's review shows the location of the antenna array and the associated ground level equipment shelter and conforms to the requirements of Article 25, "Siting of Wireless Telecommunications Facilities".

Mr. Gill said Article 25 requires co-location when possible instead of erecting new towers. The tower was built in 2008 by Verizon Wireless and this co-location will enhance cellular service for AT&T customers in the lower end of the county. The application fee of \$2,000 has been received. Staff recommends approval.

NOTE: Staff is working to arrange a reciprocal co-location of Verizon Wireless equipment on the AT&T tower behind the courthouse to improve service for Verizon Wireless customers in the upper end of the county. Hopefully this approval will aid in making that happen.

Dr. Russell made a motion to approve the Application for Special Exception by AT&T Mobility to co-locate an antenna array on the existing Verizon Wireless tower located at 348 Ocran Road on Tax Map #34-373 in White Stone.

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

4. School Energy Project – Additional Resolutions for Financing – Mr. Pennell stated the County Attorney and Finance Advisor continue to pursue the best financing strategy for the Lancaster County Public Schools’ energy efficiency project, it is appropriate that the Board of Supervisors have the appropriate enabling resolutions in place to take advantage of the best financing option once it becomes known.

Mr. Pennell said Mr. Dan Siegel, Sands Anderson and Mr. Ted Cole, Davenport Investments, have given details and answered questions regarding the following resolutions:

Resolution #1 – Resolution of the Board of Supervisors of the County of Lancaster, Virginia approving lease financing of various school capital improvements.

Resolution #2 – Resolution of the Board of Supervisors of the County of Lancaster, Virginia declaring its intention to reimburse itself from the proceeds of one or more qualified tax credit bonds for certain expenditures made and/or to be made in connection with the acquisition, installation and equipping of certain capital improvements for county school facilities.

Mr. Jenkins made a motion to approve Resolution #1 for lease financing of various school capital improvements.

ROLL CALL

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

Mr. Jenkins made a motion to approve Resolution #2 declaring its intention to reimburse itself from the proceeds of one or more qualified tax credit bonds for certain expenditures made and/or to be made in connection with the acquisition, installation and equipping of certain capital improvements for county school facilities.

ROLL CALL

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

5. Juvenile Detention Center – RFP for Security Upgrade Financing – Mr. Pennell stated the Middle Peninsula Juvenile Detention Commission, of which

Lancaster County is one of 18 members, needs to upgrade its security system. Because of state cuts to juvenile detention centers, there is insufficient cash immediately available to the commission, thus the commission is exploring financing options to accommodate this required upgrade to its security system.

Mr. Pennell said legal counsel for the Detention Commission has advised that a loan to the Commission from a member jurisdiction does not require the normal advertisement and legal bond counsel certifications as a public borrowing would require.

Mr. Pennell stated it appears that in light of Lancaster County's fund balance, this arrangement will be a win/win situation for the Commission and the County. The Commission will acquire its funding needs at a very competitive interest rate and the county will receive interest on its investments at a much higher rate than otherwise available for a portion of its fund balance.

Mr. Pennell said he has spoken with Mrs. Haynie, Lancaster County Treasurer, who advises that she is currently receiving at or near 1% interest on the fund balance money. If the 3.7% offer is accepted by the Detention Commission, it will be a much better return on investment for Lancaster County.

The Request for Proposals from the Middle Peninsula Juvenile Detention Commission as follows:

Issuer: Middle Peninsula Juvenile Detention Commission

Purpose of Financing: To fund a Security System Upgrade

Principal Amount: Not to exceed \$165,000

Term: 5 years

Interest Rate: 3.7%

Prepayment Provisions: No prepayment penalty

Security Requirement: Loan documentation acceptable to County Attorney

Additional Requirements: Funding available on or after December 1, 2010

Mr. Beauchamp made a motion to approve the Request for Proposals from the Middle Peninsula Juvenile Detention Commission as specified.

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

6. Declaration of a Local Emergency – Severe Weather – Remnants of Tropical Storm Nicole – Mr. Pennell stated because of the severe weather cause by the remnants of Tropical Storm Nicole he asked to Board of Supervisors to ratify.

Mr. Geilich made a motion to approve the following Resolution of a Declaration of a Local Emergency of Severe Weather – Remnants of Tropical Storm Nicole:

**DECLARATION OF A LOCAL EMERGENCY
SEVERE WEATHER – REMNANTS OF TROPICAL STORM NICOLE**

WHEREAS, the Board of Supervisors of the County of Lancaster, Virginia, hereby finds as follows:

1. Due to the occurrence of severe weather (remnants of a tropical storm), the County of Lancaster is facing a condition of extreme peril to the lives, safety and property of the residents of Lancaster County;
2. As a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Lancaster, Virginia, that effective 2:45 p.m., Thursday, September 30, 2010, a local emergency now exists throughout the County of Lancaster; and

IT IS FURTHER PROCLAIMED AND ORDERED that this Emergency will be declared to be over at 12:01 a.m., Sunday, October 3, 2010 unless otherwise extended; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Services organization and functions of the County of Lancaster shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of Lancaster in order to mitigate the effects of said emergency.

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

BOARD REPORTS

None

COUNTY ADMINISTRATOR

None

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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