

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 25, 2001.

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

Others Present: Carter White, C.C. Burgess and Clyde Hathaway, Virginia Department of Transportation; Jack Larson, Director, Planning and Land Use; Rawleigh Simmons, Dunton, Simmons & Dunton; Jeffrey Haywood, Lancaster Sheriff Department; Joan Wenner, Northern Neck News; Robert Mason, Rappahannock Record

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

**PRESENTATIONS**

NONE

**DEPARTMENT OF TRANSPORTATION**

Work Session on the Six-Year Plan – Clyde Hathaway and C.C. Burgess supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2002-03 through 2007-08 at an estimated cost of \$736,000 - \$829,000. Clyde Hathaway gave the presentation and informed the board that some of the county-wide project items include rural additions, traffic and safety services, preliminary engineering, seeding, fertilization, subdivision, and site planning, at an estimated cost of

\$100,000. The budgeted items are small projects such as drainage improvements, clearing of intersections and improving alignment. The first item is Rte 630/Taylor's Creek Road to improve drainage, correct severe horizontal and vertical alignments, and a sharp elbow curve. The second priority is Rte 604/Merry Point Road, at Rte 611 intersection, to soften that ninety-degree curve. Third priority will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school which is Rte 784 to a quarter of a mile east of Rte 669 to improve the alignment and bridge. Priority five is Rte 605 near Lankford's Corner to improve the alignment. Priority six is near Good Luck Road, a County Line Project with Northumberland, to improve the alignment a quarter of a mile west of Rte 200. Priority seven is Rte 642, Little Bay Road from Rte 641 to Rte 643 to address horizontal alignment, sharp curves, and poor drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved. Priority one is Rte 685 Twin Branch Road which starts at Rte 615 to the dead end; VDOT hopes to start the project in the spring. The second item is Yopps Cove Road, Rte 637 to the dead end; VDOT has the right-of-way to improve this road. The last item is Burnt Wharf Road, Rte 755 to the dead end; VDOT anticipates having the right-of-way shortly.

Mr. White stated the Burnt Wharf Road, Rte 755 was not on the Secondary System Construction Program last year. He further stated that VDOT would have the right-of-way and be ready by the public hearing which would be held at the November 29, 2001 Board of Supervisors meeting.

Lancaster Courthouse Pedestrian Crossing - Mr. White stated the signs and pedestrian crossing in the courthouse village would be in place within the next couple of weeks.

**PUBLIC HEARINGS**

1. Genester Baker – Special Exception Application – Mr. Larson stated that the applicant was requesting a special exception in order to allow the placement of an individual manufactured home on property located off VSH 654, Newtown Road near White Stone, VA. This property is described as Tax Map #34-159C-2, is zoned R-1, Residential General, and is located in Voting District 5.

Mr. Larson stated that Ms. Baker has met all the requirements to place an individual manufactured home. Adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application. Staff recommends approval.

Mr. Beauchamp made a motion to approve the special exception application of Genester Baker for the placement of an individual manufactured home.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

2. Herbert H. Wyndham – Special Exception Application – Mr. Larson stated the applicant has requested a special exception to allow placement of an individual manufactured home on property located off VSH 663, Senora Road, near Bertrand, VA. This property is described as Tax Map #25-113A, zoned R-1, Residential General, and located in Voting District 1.

Mr. Larson said Mr. Wyndham has met all the requirements to place an individual manufactured home. He said Mr. Wyndham wishes to situate his home in such a manner that zoning variances are required. Placement of the home will either meet zoning ordinances or be consistent with any variances granted by the Board of Zoning Appeals which is scheduled to be hear this matter on November 5, 2001.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date staff has received no phone calls from adjoining property owners or other interested members of the public concerning this application. Staff recommends approval.

Mr. Jenkins made a motion to approve the special exception application of Herbert H. Wyndham for the placement of an individual manufactured home. Placement of the home will either meet zoning ordinances or be consistent with any variances granted by the Board of Zoning Appeals.

VOTE: F.W. Jenkins, Jr.	Aye
Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Aye

### **CONSENSUS DOCKET**

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

A. Minutes for September 27, 2001

Recommendation: Approve

VOTE: F.W. Jenkins, Jr. Aye

Cundiff Simmons	Aye
B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of October 2001 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries for October 2001 in the amount of \$126,158.33 and Invoice Listings for October 2001 in the amount of \$474,913.84.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

2. Arthur H Bryant Subdivision - Mr. Larson stated the application has been continued from July 26, 2001 to meet with VDOT representatives to determine if there was any way that the roads within the subdivision could be brought into the secondary road system. The meeting was held, and VDOT identified a number of issues requiring resolution as a prerequisite to their approval of the plat. The applicant was unable to resolve these issues by the August and September 2001 Board of Supervisors meetings. The request for further continuance was granted, and applicants are ready for this meeting.

Mr. Larson stated the applicant included identification of storm drainage easements. However, applicant states that he could not obtain unencumbered fee

simple title to the section of road that is a 50' easement identified on the attached plat. Without fee simple transfer of this section as well as the rest of the road, VDOT would not accept it. The subdivision application has been resubmitted for consideration with Mifarm Road as a private road. Staff recommends approval.

Mr. Cundiff Simmons stated that his firm did some work for Mr. Billy Franklin who worked on the road for Mr. Bryant, but he has no further interest in this matter.

Mr. Frere made a motion to approve the Arthur H. Bryant subdivision application with a private road access.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Abstain
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

Mr. Frere made a motion to the Planning Commission look at necessary changes to the Subdivision Ordinance. To make the ordinance agree with current VDOT requirements.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Abstain
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

3. J and J Incorporated – Master Plan for Permitted Use in M-1 Zoning District – Mr. Larson stated the applicant wishes to accept wood products for further grinding into mulch and metal products for recycling as scrap on property

identified as Tax Map #23-60. This property is zoned M-1, Industrial, Limited and uses requested are permitted within this zoning district.

Mr. Larson stated that paragraph 9-2-1 of the zoning ordinance requires a master plan be prepared and submitted for any permitted use in the M-1 zoning district that requires land disturbance greater than 2500 square feet. He said the Planning Commission recommends approval of this Master Plan.

Mr. Frere asked if the plan to move County operations to J & J, Incorporated's facility has been prepared.

Mr. Pennell said that plan would be submitted at the November Board of Supervisors meeting.

Mr. Cundiff Simmons stated his firm prepared the master plan for J and J Inc., but he has no further private interest in this matter.

Mr. Conaway made a motion to approve J and J Incorporated Master Plan for the uses requested with the following conditions of shaving the embankment for better site distance and making a commercial entrance.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Abstain
	B. Wally Beauchamp	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

4. Sheriff, Fire and Rescue Communications Grant – Mr. Pennell stated that Sheriff Crockett has joined a partnership of the county's fire departments and rescue squads to improve the emergency communications system. The partnership is preparing a grant application to the DuPont Foundation to assist in this endeavor.

Jeffrey Haywood said there are radio repeaters on the Kilmarnock water tower. The fire departments, rescue squads and deputies have problems with their handheld equipment at the upper end of the county. The signal is not clear and that's a safety issue. The new system would include three repeaters located at Litwalton, Kilmarnock, and Irvington/White Stone. There would be compatible mobiles with each of the emergency service agencies.

Mr. Frere asked if Mr. Haywood was aware of the fact that there was recently an approval of a 195' wireless tower off Route 3. Mr. Frere suggested making note of that fact on the application.

Mr. Haywood said the partnership was seeking financial support from the County and would like the Board of Supervisors' support to adopt the resolution for matching funds.

Mr. Frere made a motion to adopt the resolution for the Sheriff, Fire and Rescue Communications Grant.

**WHEREAS**, the Kilmarnock-Lancaster County Volunteer Rescue Squad, Lancaster County Sheriff's Office, White Stone Volunteer Fire Department, Kilmarnock Volunteer Fire Department, Upper Lancaster Volunteer Fire Department and the Upper Lancaster Volunteer Rescue Squad have formed a partnership for the purpose of identifying and addressing specific law enforcement, emergency medical, fire prevention and fire control issues affecting the public safety and quality of life of the citizens of Lancaster County and the towns of Kilmarnock, White Stone and Irvington; and

**WHEREAS**, this partnership has placed an emphasis on solving unique safety problems affecting the large percentage of elderly and disadvantaged citizens that reside within Lancaster County and its incorporated Towns; and



**WHEREAS,** this partnership has formulated a specific course of action that, when implemented, will provide solutions to these issues and enhance the public safety and quality of life of all County and Town citizens; and

**WHEREAS,** this partnership is seeking financial support beyond its limited resources that would allow it to place its plan into action for the betterment of the community.

**NOW THEREFORE BE IT RESOLVED,** that the Board of Supervisors of Lancaster County endorses and supports the partnership's plan of action and grant application for the following inventory of equipment for a communications system; and

1. Three repeater/receiver units and mounting hardware.
2. Three antennas and power supplies.
3. Forty-one 45-watt VHF mobile radios.
4. One hundred three HT-1250 portable VHF 16 channel radios.
5. One hundred eighty-five 2-channel pagers.
6. Accessories for the above items (chargers, antennae, hardware).

**BE IT FURTHER RESOLVED,** that the Board of Supervisors of Lancaster County pledges \$20,000 in matching funds to achieve these goals for our community safety.

VOTE:	F.W. Jenkins, Jr.	Aye
	Cundiff Simmons	Aye

B. Wally Beauchamp	Aye
Patrick G. Frere	Aye
Donald O. Conaway	Aye

## **BOARD REPORTS**

350<sup>th</sup> Anniversary Committee - Mr. Beauchamp stated the 350<sup>th</sup> Anniversary Committee has done an outstanding job on each event held. He would like to have a plaque presented to Louise Jesse, Chair of the committee and a resolution prepared in recognition of the volunteers, that could be presented at the November 29, 2001 meeting.

The Board of Supervisors agreed by consensus to have a resolution prepared in recognition of work the 350<sup>th</sup> Anniversary Committee has done and to present the chairperson with a plaque.

Lancaster County Terrorism Task Force – Mr. Conaway said in light of the recent terrorism and anthrax attacks, he would like to know if the board and/or Rappahannock General Hospital have some type of action plan.

Mr. Beauchamp said, as Emergency Services Director, he had the same concerns. There has been a meeting set up for Tuesday, October 30, 2001 for local organizations and emergency services agencies to attend.

FY01 Budget – Mr. Frere stated the budget which was approved for FY01 was level funded, yet three offices did not receive funds for furniture and fixtures due to the budgetary cuts. He said he would like to have those funds restored to the budget.

Mr. Frere made a motion to restore the funding the furniture and fixture budgets of the General District Court, Juvenile Court and Commonwealth's Attorney.

VOTE:	F.W. Jenkins, Jr.	Nay
	Cundiff Simmons	Nay
	B. Wally Beauchamp	Nay
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

**COUNTY ADMINISTRATOR REPORT**

Windmill Point Canoe/Kayak Launch Site - Mr. Pennell stated he would like to plan an opening for the Windmill Point Canoe/Kayak Launch site and would like to have a consensus from the Board of Supervisors. The launch site is currently open to the public, but he would like to schedule a formal dedication sometime in the spring.

Mr. Frere stated there needs to be a sign at the site.

Mr. Pennell said a sign would be put there.

The Board of Supervisors agreed by consensus to have an opening in the spring and to erect a sign at the site.

**CLOSED MEETING**

Motion was made by Mr. Frere to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Real Property, in accordance with provisions of Section 2.1-344A.3, and for the privacy of individuals, personal matters not related to the county in accordance with provisions of Section 2.1-344A.4 of the Code of Virginia.

VOTE:	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye

Cundiff H. Simmons     Aye  
B. Wally Beauchamp     Aye

**RECONVENE**

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

VOTE:    F. W. Jenkins, Jr.     Aye  
          Donald O. Conaway     Aye  
          Patrick G. Frere     Aye  
          Cundiff H. Simmons     Aye  
          B. Wally Beauchamp     Aye

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date, pursuant to an affirmative recorded vote on the motion to close the meeting, to discuss personnel and legal matters in accordance with the Virginia Freedom of Information Act.

**WHEREAS**, Section 2.1-344.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Simmons to certify the closed meeting. A roll call vote was taken:

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

This certification resolution is adopted.

#### Purchase of 8275 Mary Ball Road

Mr. Conaway moved to ratify the contract to purchase 8275 Mary Ball Road for the purchase price of \$95,000 and authorize the County Administrator to execute the necessary documents.

VOTE:	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	Cundiff H. Simmons	Aye
	B. Wally Beauchamp	Aye

#### ADJOURNMENT

Motion was made by Mr. Conaway to adjourn the meeting.

VOTE:	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye

Patrick G. Frere	Aye
Cundiff H. Simmons	Aye
B. Wally Beauchamp	Aye