

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 27, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; Robert Harper, Virginia Department of Transportation; Randolph H. Latimore and William Smith, School Board; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Septic Systems Concerns

Mr. Madsen asked about failing septic systems in the county. Also, asked if there was a marina in the county that does not have a pump-out system and if people can live on board boats if there is no pump-out facility.

Mr. Jenkins said he was aware of a Carter Creek marina which is part of a private club and private faculties are exempt.

Public Service Authority

Mr. Marshall said that he understands that other counties/localities in the state have more experience with the PSA and they can be of some help to Lancaster County. Please look at all the available options.

PRESENTATION

1. Lancaster County History Book Committee – Mrs. Audrey Edmonds introduced the History Book Committee members. She said, seven years ago the History Book Committee was formed and they submitted a proposal to the Board of Supervisors. The committee asked the Board of Supervisors for a loan of \$36,000, which was granted without question. The board forgave \$3,000 and the committee paid \$5,000 last year toward the loan. The board was informed that 2,000 of the 3,000 printed copies of the history book have been sold and the committee will be paying off the debt and presented the board with a check in amount of \$28,000.

Marsha Sitnik, Executive Director of the Mary Ball Washington Museum presented the board with a Certificate of Appreciation for its support.

Board members stated the Lancaster County History Book is very informative and well put together. It is a great book on the rich history of the county.

2. Timbering Regulations – Mr. Bill Warren made a presentation on behalf of the Friends of Lancaster County. He provided the board with a model ordinance to protect the area. He had a picture presentation of the “clear cutting” near Christ Church and the same company is about to start timbering across from Sharon Baptist Church.

Mr. Warren stated a number of counties have buffering or timbering ordinances in place. Because without an ordinance, the county does not have any requirements for clean up, re-seeding, or buffering.

By consensus of the board to make this part of the Comprehensive Plan review.

3. School Board Request for Joint Meeting

Mr. Smith, School Board Chair, said the school board is inviting the Board of Supervisors to a joint meeting. There is an Air Force Representative looking at the school system and has met with the school board about the possibility of bringing a ROTC program to Lancaster County High School. The school board needs to be able to ensure the Air Force Representative that the field house will be ready.

Mr. Smith stated the Board of Supervisors has been invited to tour the schools on a number of occasions and believes if the Board of Supervisors are going to micro manage the school board budget, they should come into the schools and see what's going on in the schools.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Maintenance Update

Mr. Harper stated mowing should be completed within the next two weeks and street sweeping in the towns will be completed within the next couple days.

Mr. Harper said the Merry Point Ferry will be shut down on November 14, 2005 for approximately two to three days, in order to install a new motor.

Mr. Harper said contractors are preparing for snow.

Riverview Road

Mr. Creasy said he represents fourteen homeowners on Riverview Road and asked the Board of Supervisors to take the whole road, which is approximately 2/10 of a mile into the secondary system under the Rural Rustic Road Program. This will be discussed further at the Six-Year Plan Work Session and Public Hearing later this year.

PUBLIC HEARINGS

1. Application for a Special Exception (Manufactured Home) – Beatrice and Albert Smith – Mr. Larson presented an application for Special Exception by Albert Smith to place an individual manufactured home on property described as Tax Map #15-111 which is located at 130 Rich Town Road near Lancaster, VA in Voting District 2.

Mr. Larson said the Smiths wish to replace their existing home with an individual manufactured home. It is their intent to demolish the existing home and utilize its septic system for their replacement home. Section 13-15 of the Zoning Ordinance provides up to three years for removal provided the abandoned home is not inhabited. Subject to meeting the requirements set forth above in the recommendation, there are no apparent issues remaining. Applicable building and zoning permits will be required.

Mr. Larson stated this issue has been advertised and adjacent property owners notified for this public hearing as required by law. One adjoining property owner requested clarification as to why she was notified and indicated satisfaction with the response. There were three or four adjoining property owners or other interested members of the public for this hearing with no opposition and stated the Smiths needed this request to be approved.

Chairman Jenkins opened the public hearing.

Mr. Madsen asked if the applicants are requesting a special exception because the manufactured home does not meet requirements in the R-1 zoning ordinance.

Mr. Jenkins stated the manufactured home to be considered by-right has to have a roof pitch requirement of 3:25. The more affordable manufactured homes the roof pitch may not meet the 3:25 requirement.

Mr. Madsen asked how the county would ensure that the old existing home is demolished, because three years is a long time.

Mr. Larson stated the county has ways to ensure that any conditions that the board imposes are upheld and is confident in the process.

Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to Approve the Application for a Special Exception to place an individual manufactured home for Beatrice and Albert Smith, subject to removal of existing principal structure and Health Department approval of existing septic system.

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

2. Request for Bay Act Waiver – Deborah B. Sommer – Mr. Larson asked that this item be removed from the docket because he spoke with Ms. Sommer and her

agent making them aware of his recommendation to disapprove the additional impervious cover related to the residences.

Mr. Larson said the applicant has indicated that she will change the site plan to make it comply with Lancaster County ordinances. This item will not have to come before board as a bay act waiver, but can be approved administratively because there is less impervious cover, not only within the 50' but also in the overall 100' protective buffer and meet the requirements of the new regulations.

Mr. Jenkins stated the applicant did not give the board prior notice to redraw and public hearings will have to be conducted.

Chairman Jenkins opened the public hearing.

No public input.

Chairman Jenkins closed the public hearing.

Mr. Geilich made a motion to deny the Request for Bay Act Waiver for Deborah B. Sommer.

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

3. Rural Village Overlay (RV-1) Designation – Lancaster Courthouse – Mr. Larson presented the Proposed Rural Village Overlay (RV-1) designation for the area of Lancaster Courthouse.

Mr. Larson said he provided the draft minutes of the September 15, 2005 regular meeting of the Planning Commission, which reflect considerable opposition by affected property owners. Incompatible use such as seafood processing and a concern that proposed designation would have a detrimental effect on the rural/agricultural character of both affected and surrounding properties were the primary reasons for objection. Since this issue was approached as one that would not be pursued without the support of affected property owners, the Planning Commission submitted its recommendation accordingly.

Mr. Larson said this public hearing on this issue has been advertised and both affected and adjoining property owners notified as required by law. To date this office has received one phone call from an affected property owner who indicated his continuing opposition to the proposal.

Chairman Jenkins opened the public hearing.

Ella Davis stated she would like the village to remain the same as it is.

Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to deny the Rural Village Overlay (RV-1) Designation for the area of Lancaster Courthouse.

A roll call vote was taken:

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

4. Modifications to Highway Corridor Overlay District – Mr. Larson presented the proposed revisions to the Highway Corridor Overlay District dealing with setbacks from roads right of way.

Mr. Larson said primary impact of proposed changes is to increase the setback on rural roadway sections from 50' to 100' as measured from the centerline of the highway. Additionally, the intent of the modifications was to emphasize that requirements included any commercial activity whether it be new development, redevelopment or renovation. Proposed modifications are highlighted in yellow on the draft provided to the board, along with draft minutes of the September 15, 2005 regular meeting of the Planning Commission relating to this issue.

Mr. Larson stated this public hearing on the issue has been advertised as required by law. To date this office has received one call from interested member of the public concerning this request.

Chairman Jenkins opened the public hearing.

Mr. Jenkins said he strongly agrees with the idea of protecting the Rural Corridors connecting the villages and towns. He believes the proposed revisions are a good start, but believe additions changes are needed. The 100' buffer being requested does not give a sufficient buffering to retain the rural active agricultural natural of Route 3, 200, 201 and 354 corridors. To accomplish that would take a number of changes/amendments to look at the possibly of an 800' buffer from the road for commercial construction on the rural corridors. This would deal with the number of driveways, signage, and other technical matters that need to be more clearly stated. Those villages which are part of the Village Overlay Districts need to be included in the same regulation as the individual incorporated towns.

Mr. Adkins asked if these changes would have been in effect many years ago, would Corrottman Plaza have been set further off the road, because Corrottoman Plaza is now an eyesore.

Mr. Madsen said this is a good start and to increase the buffer to 800' is a great suggestion, but at the same time it would be good to extend the side and rear setbacks.

Mr. Johnson stated he moved here for the quality of life. When you talk about a village or small area this concept make sense. Are there any models that other counties have tried to implement that can be studied?

Mr. Jenkins said there are other localities that have put corridor road buffers in place and established village overlays, which is what Lancaster County drew from to come up with a draft ordinance.

Mr. Johnson asked what does this mean for people moving here and wanting to start a business on property zoned C-1.

Mr. Jenkins said existing C-1 is exempted; only the property owner can request a change of the zoning.

Mr. Simmons stated he supports the proposed revisions, as property owner with land between White Stone and Kilmarnock. The concept is long overdue.

Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to refer the Proposed Highway Corridor Overlay District back to staff and bring this back to the Board of Supervisors regular meeting in January 26, 2006. With the following changes under **Establishment and Intent** - Retaining the rural character along it's major

corridors; **Applicability** should include Routes 3, 200, 201, 354, and 695 exempting Rural Village Overlay Districts; **Access** should be better defined; **Setbacks** should establish a front yard setback as 800’ from the edge of the highway with side and rear property line adjustments; and additional sign considerations.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	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 September 29, 2005

Recommendation: Approve the minutes as submitted

B. VACo Annual Conference – Voting Credentials

Recommendation: Designate Mr. Palin as the Lancaster County voting delegate for the 2005 VACo Annual Meeting and Conference and the county administrator as his alternate.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of October 2005 Salaries and Invoice Listings

Motion was made by Mr. Hill to approve the Salaries for October 2005 in the amount of \$162,492.30 and Invoice Listings for October 2005 in the amount of \$443,874.06.

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

2. Town of Kilmarnock – Enforce USBC Property Maintenance Code – Mr. Pennell said the Town of Kilmarnock has recently adopted the necessary local ordinance to enforce the Uniform Statewide Building Code Property Maintenance Code. The town council asks that the Lancaster County Building Official enforce the provisions of the code within the Town of Kilmarnock as required by §36-105 of the Code of Virginia.

Mr. Pennell stated the state code requires a county enforce the Uniform Statewide Building Code within any town of less than 3,500 population when the town council does not wish to enforce the USBC itself.

Lancaster County has been enforcing the building construction code within the Town of Kilmarnock for many years. Compensation for this service is received through the building permit fees which are received by the county when a permit is issued.

There are no permits for property maintenance issues. Enforcement is generally by complaint from affected citizens. Charging the fully hourly rate of the county employees performing this service will remunerate the county for providing this service to the town.

By consensus of the board, defer this issue to the regular Board of Supervisors meeting on November 28, 2005 in order to get more information.

3. Final Subdivision Approval – The Exuma Group, Ltd. – Mr. Larson said as required by Article 3-7 of the Subdivision Ordinance, this subdivision, in excess of five lots with the proposed name of “Overlook” must be presented to the Board of Supervisors for final plat approval. This subject property is in Voting District 2.

Mr. Larson stated at the September 29, 2005 meeting the Board of Supervisors granted preliminary plat approval subject to increasing the size of Lot 7 to at least 2.01 acres. The preliminary plat showed 2.00 acres plus or minus (.01 acres). “Minus” would put the lot below the minimum area requirement. By adjustment of boundary line, lot size was increased to 2.01 acres. Required signatures from the Health Department have been obtained and the owner’s consent statement executed since consideration of the preliminary plat.

Mr. Palin made a motion to Approve the Final Subdivision Plat for The Exuma Group, Ltd.

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

4. Preliminary and Final Subdivision Plat Approval – Pebble Beach, LLC – Mr. Larson stated as required by Article 3-7 of the Subdivision Ordinance, this subdivision in excess of five lots with the proposed name of “Belle Isle Woods” (Section One) is presented to the Board of Supervisors for preliminary and final plat approval. The subject property is in Voting District 2.

Mr. Larson said the applicants elected not to submit this subdivision for preliminary plat approval. Instead, they are submitting it for preliminary and final plat approval. He believes their purposes would have been better served with an earlier look at this plat. While they have met all of the major requirements such as Health Department approval, there are an exceptionally large number of lesser deficiencies in the subdivision plat. Counsel for applicant has been advised of deficiencies, and they will be corrected.

Mr. Pennell recommended that the Board of Supervisors approve only the preliminary subdivision plat until all corrections are made and a final plat submitted at a subsequent meeting.

Mr. Palin made a motion to Approve only the Preliminary Subdivision Plat for Pebble Beach, LLC.

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

5. PSA – Water Quality Improvement Grant – Mr. Pennell stated at last month’s public hearing on the Public Service Authority there was a consensus that additional information may be needed before the Board of Supervisors can make a prudent decision on the creation of a PSA. Mr. Jenkins was notified of a grant

opportunity that may provide the funding to perform a study of Lancaster County's water quality issues to assist in decision making. He has asked the Board of Supervisors to consider applying for this grant.

Mr. Pennell said the grant announcement seems to be a close fit for the information requested regarding the formation of a Public Service Authority. If awarded to Lancaster County, the data and conclusions from the study will assist the Board of Supervisors in making informed decisions regarding the PSA.

Mr. Jenkins made a motion to Authorize the county staff to proceed with the grant application and authorize the Planning District Commission to assist.

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

6. Rental Agreement – Registrar's Office – Mr. Pennell stated the county has just received a notice of rent increase from Mr. William A. Headley, owner of the building in which the county rents office space for the Board of Elections and the Registrar of Voters. Mr. Headley is increasing the rent from \$400 per month to \$500 per month.

Mr. Pennell said the Board of Supervisors will note the original term of the lease was for three years ending on July 31, 2003 but actually continuing on a month-to-month basis since that time. If the Board approves this increase in rent, it seems appropriate to execute a lease amendment noting the rent increase as well as contractually making the current lease a month-to-month document.

Mr. Hill made a motion to Approve the increase in the rent to \$500 monthly effective January 1, 2006 for the Registrar's Office and rewrite the lease agreement to continue on a month-to-month basis.

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

7. Performance Bond – Western Branch Preserve, LLC – Mr. Larson stated release of monies remaining in performance bond for improvement to Avis Trail in the amount of \$3,665.43 plus accrued interest.

Mr. Larson said improvements to Avis Trail under the Virginia Department of Transportation revenue sharing program have been completed, and the portion improved has been brought into the secondary road system. With the project complete, Western Branch Preserve, LLC the entity that posted the County's portion of the funds required, is entitled to the balance of \$3,665.43 plus accrued interest.

Mr. Palin made a motion to Release the remaining \$3,665.43 plus accrued interest in performance bond to Western Branch Preserve, LLC.

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

8. LHS/LMS Repairs – Appropriate Request – Dr. Latimore stated there are two areas where the same sewer line at the high school has subsided underneath the concrete. The two areas affected are in the kitchen (approximately six feet down) and the boy’s locker room.

Dr. Latimore said the school board has secured an architectural firm, on an emergency basis, to assist in developing a solution for the sewer line problem. The initial cost for this work is \$6,900.00. The architectural firm hopes to have a proposal, with cost estimates for repairs, submitted to the school board no later than November 27, 2005.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$6,900.00 from the Capital Improvement Account to the General Fund to cover the expenses.

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

Dr. Latimore said there are 16 valves in the boiler room of the middle school that need to be replaced. The valves are sixteen years old and are all leaking. The school board has been able to talk with three contractors and the prices given so far range from \$8,755.00 to \$15,518.00.

Mr. Jenkins made a motion to approve the expenditures and appropriate \$12,000.00 from the Capital Improvement Account to the General Fund to cover the expenses.

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

BOARD REPORTS

None.

COUNTY ADMINISTRATOR

Mr. Pennell reminded the board of the Virginia and Northern Neck Economic Trends presentation at the Tide Inns on November 10, 2005 at 5:00 p.m.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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