## VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 31, 2002.

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

### Others

| Present: | Jack Larson, Planning/Land Use; Joe Staton, C.C. Burgess, Carter |
|----------|------------------------------------------------------------------|
|          | White and Clyde Hathaway, Virginia Department of                 |
|          | Transportation; Mayor Lloyd B. Hubbard, Town of White; Joan      |
|          | Wenner, Northern Neck News; Robert Mason, Rappahannock           |
|          | Record                                                           |

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

## PUBLIC INPUT

None

### **PRESENTATIONS**

 <u>White Stone Roundabout – Public Hearing</u> – White Stone Mayor Lloyd B. Hubbard extended an invitation to the Board of Supervisors to attend the White Stone Town Council Meeting on November 7, 2002, where VHB, Inc. would give a presentation on the White Stone Roundabout. Mayor Hubbard stated the cost to conduct the additional public meeting would be \$3,750. He asked if the Board of Supervisors would consider sharing one-half of the cost, which would be \$1,875.

No action taken.

#### VIRGINIA DEPARTMENT OF TRANSPORTATION

Public Hearing for Six-Year Plan - Carter White and Clyde Hathaway supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2003-04 through 2008-09 at an estimated cost of \$540,000 - \$560,000 per year. 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 for complete reconstruction. The second priority is Rte 604/Merry Point Road, at the Rte 611 intersection, to soften that ninety-degree curve. Third and forth priorities will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge. Priority five is Rte 605 near Lankford's Corner to improve the alignment. Priority six is Route 607 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 improve alignment and drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved which serve 50 vehicles or more per day. Priority one is Rte 685 Twin Branch Road which starts at Rte 615 to the point where it has already been paved. The second item is Yopps Cove Road, Rte 637 to the dead end. VDOT has completed the preliminary engineering and has the right-of-way and will be paving next spring. The last item is Burnt Wharf Road, Rte 755 to the dead end.

Margie Paige said that all the citizens of Taylor's Creek do not oppose this project and she would like to see the road become safer.

Mr. Beauchamp stated he has received a number of letters and telephone calls from citizens in the Taylor's Creek area. He said the Board of Supervisors/County can not afford to pay VDOT \$500,000 to abandon the work performed to date.

Mr. Frere stated a citizen asked if the project could be scaled down.

Mr. Staton said the design was what the citizens have asked for. This project has been on the Six-Year Plan for approximately 24 years and will create broader shoulders, straighten the curves, and improve the alignment. This project will be advertised in December 2003 and start in the Spring 2004.

Curtis Smith stated the project at Devils Bottom Road was not needed. He said approximately 300 vehicles travel this road per day and the project would split his farm, run into the wetlands and some historical sites. There is no justification for this project.

Mr. Staton said that the preliminary engineering would answer each of his concerns on the Devils Bottom Road project. There have been a number of accidents on the road.

Mr. Simmons made a motion to adopt the Virginia Department of Transportation Six Year Plan.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |

| Patrick G. Frere | Aye |
|------------------|-----|
| Cundiff Simmons  | Aye |

<u>Rose Drive (VSH 704)</u> – Mr. Simmons requested that speed study be conducted on Rose Drive off Taylor's Creek Road (VSH 630).

<u>Coppedge Farm Road (VSH 750)</u> – Mr. Frere requested that speed study be conducted on Coppedge Farm Road.

## **PUBLIC HEARINGS**

 Lease of 8275 Mary Ball Road – Pierce Building – Mr. Pennell stated the Lancaster County Chamber of Commerce made a presentation at the September 2002 Board of Supervisors meeting regarding its intention to develop a One Stop Workforce Development Office at 8275 Mary Ball Road, Pierce Building for \$1.00 per year for this purpose.

Mr. Conaway made a motion to lease 8275 Mary Ball Road, Pierce Building to the Lancaster County Chamber of Commerce for \$1.00 per year to develop a One Stop Workforce Development Office.

| VOTE: | B. Wally Beauchamp | Aye     |
|-------|--------------------|---------|
|       | Donald O. Conway   | Aye     |
|       | F. W. Jenkins      | Aye     |
|       | Patrick G. Frere   | Abstain |
|       | Cundiff Simmons    | Aye     |
|       |                    |         |

 <u>MHG Corporation (David Miles) – Application for Change of Zoning</u> <u>Classification – Mr. Larson said a request by David Miles, MHG Corporation,</u> to rezone property described as Tax Map #22-26 from A-2, Agricultural, General to R-1, Residential, General. This property is on Route 613, Iberis Road, near Merry Point, VA and is in Voting District 2.

Mr. Larson said the Planning Commission has forwarded this request to the Board of Supervisors and recommended approval by a vote of 5–0.

Mr. Larson stated the property located at Tax Map #22-26 is surrounded by properties zoned A-2, Agricultural, General. However, one of the adjoining properties is zoned R-1, Residential, General, and a large residential subdivision, Eagle Landing, is located across Iberis Road from this property. This request did generate questions at the Planning Commission meeting from a member of the Planning Commission and an adjoining property owner. Adjoining property owners have been notified and advertised 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 the presentation of this application to the Board of Supervisors.

Mr. Conaway made a motion to grant approval of the request to Change the Zoning Classification for David Miles, MHG Corporation, property described as Tax Map #22-26 from A-2, Agricultural, General to R-1, Residential, General.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

 Heirs to B.H.B. Hubbard, Jr., LLC – Application for Change of Zoning <u>Classification</u> – Mr. Larson stated a request was made by the Heirs of B.H.B. Hubbard, Jr., L.L.C. to rezone property described as Tax Map #41-3 from A- 2, Agricultural, General to R-1, Residential, General. This property is on Route 695 near Windmill Point and is in Voting District 3.

Mr. Larson said the Planning Commission has forwarded this request to the Board of Supervisors and recommended approval by a vote of 5–0.

Mr. Larson said the property located at Tax Map #41-3 is completely surrounded by other properties also zoned R-1, Residential, General. A change of zoning classification to R-1 for this property would therefore make the zoning more consistent with adjoining properties. The only question asked by members of the Planning Commission in considering this request was the amount of acreage of the affected parcel; the answer provided was that the total acreage was eighteen of which nine acres could be considered buildable. 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.

Mr. Frere made a motion to grant approval of the request to Change the Zoning Classification for the Heirs of B.H.B. Hubbard, Jr., L.L.C. to rezone property described as Tax Map #41-3 from A-2, Agricultural, General to R-1, Residential, General.

|                     | /e |
|---------------------|----|
| Donald O. Conway Ay | /e |
| F. W. Jenkins Ay    | /e |
| Patrick G. Frere Ay | /e |
| Cundiff Simmons Ay  | /e |

4. <u>Changes to Zoning and Subdivision Ordinances</u> – Mr. Larson stated at the request of the Board of Supervisors, the Planning Commission reviewed the

Zoning Ordinance, Subdivision Ordinance, and Erosion and Sediment Control Ordinance with an eye towards clarification and elimination of inconsistencies. It was found that the words *club* and *lodge* were defined synonymously but were used in different ways and context in the Zoning Ordinance; it was recommended to use the term, *club*, throughout. The definition for *home occupation* needed to be expanded to clearly state that which would be permitted. Finally, the requirement for the Board of Supervisors to review large subdivisions would be taken out of the Subdivision Ordinance.

Mr. Larson stated the Planning Commission forwarded the following changes to the Zoning Ordinance and Subdivision Ordinance, recommending approval by a vote of 5-0:

- Article 1 of the Zoning Ordinance Definition for *Lodge/club* be removed in its entirety (definition for club already exists);
- Article 5-1-14 of the Zoning Ordinance- Delete *Lodges* and replace with *Clubs*;
- Article 1 of the Zoning Ordinance Delete the current definition for Home Occupation in its entirety and replace with the following:

### Home Occupation

An occupation conducted for profit in the dwelling unit, or in an accessory structure on the same property, provided:

- *1) No more than two persons other than immediate family members residing on the premises are engaged in such occupation;*
- The occupation is secondary and incidental to the use of the dwelling unit for residential purposes and does not change the character thereof;

- *3)* Use of an accessory structure does not exceed 600 square feet of space;
- 4) There is not display of products outside the home;
- 5) No additional parking is provided;
- 6) No pedestrian or vehicular traffic is generated beyond that normal to the district in which it is located;
- 7) No equipment or process is used which creates noise, vibration, glare, fumes, odors, or electrical interference offensive to the normal senses of a person standing off the property.

Paragraph 3-7 of the Subdivision Ordinance – Delete the phrase, *if the proposed subdivision contains, or may contain by the time of its final development, six or more lots* (as per County Administrator memorandum).

Mr. Larson stated advertising as required by law has been conducted and as to date staff has received no input from member of the public concerning any of these changes to the Zoning Ordinance or Subdivision Ordinance. However, there was opposition expressed at the Planning Commission meeting on September 19, 2002 relative to the proposed changes for *lodge/club*.

Mr. Jenkins made a motion to strike in its entirety the definition for *Lodge/club* (definition for club already exists) in Article 1 of the Zoning Ordinance.

| B. Wally Beauchamp | Aye                                                   |
|--------------------|-------------------------------------------------------|
| Donald O. Conway   | Aye                                                   |
| F. W. Jenkins      | Aye                                                   |
| Patrick G. Frere   | Aye                                                   |
| Cundiff Simmons    | Aye                                                   |
|                    | Donald O. Conway<br>F. W. Jenkins<br>Patrick G. Frere |

Mr. Simmons made a motion to delete *Lodges* and replace with *Clubs* in Article 5-1-14 of the Zoning Ordinance.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

Mr. Jenkins made a motion to delete paragraph number three (3) of the *Home Occupation* definition which reads *use of an accessory structure does not exceed 600 square feet of space* and renumber the remaining paragraphs.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

Mr. Frere made to motion to delete the current definition for *Home Occupation* in its entirety of Article 1 of the Zoning Ordinance and replace with the following:

## Home Occupation

An occupation conducted for profit in the dwelling unit, or in an accessory structure on the same property, provided:

 No more than two persons other than immediate family members residing on the premises are engaged in such occupation;

- The occupation is secondary and incidental to the use of the dwelling unit for residential purposes and does not change the character thereof;
- 3) There is not display of products outside the home;
- *4)* No additional parking is provided;
- 5) No pedestrian or vehicular traffic is generated beyond that normal to the district in which it is located;
- 6) No equipment or process is used which creates noise, vibration, glare, fumes, odors, or electrical interference offensive to the normal senses of a person standing off the property.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

Mr. Simmons made a motion to delete the phrase, *if the proposed subdivision contains, or may contain by the time of its final development, six or more lots* (as per County Administrator memorandum) of Paragraph 3-7 of the Subdivision Ordinance.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Nay |
|       | F. W. Jenkins      | Nay |
|       | Patrick G. Frere   | Nay |
|       | Cundiff Simmons    | Aye |

Motion failed 3 - 2.

## **CONSENSUS DOCKET**

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

- A. <u>Minutes for September 24, 2002 and September 26, 2002</u> Recommendation: Approve the minutes.
- B. <u>Tartan Village Elderly HUD Project Request for Tax Exemption</u> Recommendation: Deny the Exemption

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

## **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

## 1. Approval of October 2002 Salaries and Invoice Listings

Motion was made by Mr. Simmons to approve the Salaries for October 2002 in the amount of \$128,332.91 and Invoice Listings for October 2002 in the amount of \$777,617.01.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

 <u>Commonwealth of Virginia Budget Reductions</u> – Mr. Pennell stated the Commonwealth of Virginia's Compensation Board revealed there would be approximately \$44,073 in reduction of reimbursable expenses for Constitutional Officers during fiscal year 2003.

Mr. Pennell said Mr. Thomas, the Commissioner of the Revenue, and Anna Lee Haynie have indicated they are expecting nearly \$61,000 in unbudgeted revenues from the penalties assessed for the failure to file personal property tax form for this calendar year. These funds are available for transfer to the deficit caused by the Commonwealth's failure to live up to its obligations to localities.

Mr. Jenkins made a motion to table this matter until the first meeting after December 31, 2002 and invite the constitutional officers and Delegate Albert Pollard to attend a meeting where the constitutional officers will offer suggestions on how to modify their current budgets to accommodate the commonwealth's failure to reimburse the county for their expenses.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Nay |
|       | Cundiff Simmons    | Aye |
|       |                    |     |

3. <u>Courthouse Landing – Subdivision Application, Preliminary Plat</u> – Mr. Larson stated paragraph 3-7 of the Subdivision Ordinance requires that the preliminary plat for all subdivisions that are six lots or more be submitted to the Board of Supervisors for approval or disapproval. A plat of the subject subdivision was previously submitted to the Board of Supervisors on July 25, 2002. At that meeting, it was indicated by the applicant that they were trying to "get the Board's feelings" as to the layout of the subdivision and were not asking for approval/disapproval of a preliminary plat. Guidance was given as to the desired

layout of the lots and the conditions under which Avis Road would be acceptable as a private road. The property being subdivided is in Voting District 2.

Mr. Larson stated he sent a letter to the applicant documenting the understandings and concerns of the Board of Supervisors. The board expressed its desire that all lots front on Avis Trail, it is expected that no private roads or common use driveways will be shown on any revised plat. The Board of Supervisors also requested him to contact Eric Davis, U.S. Fish and Wildlife Service, concerning the nesting bald eagle issue.

Mr. Larson said on the revised plat, all lots do front Avis Trail, and all interior roads are removed, thus precluding any possibility of an assumption of public responsibility for interior roads. Also, as requested, all drainage easements are depicted. Given the extensive area of wetlands, impacting on this subdivision, the 100' protective buffer setback line was should on the plat and highlighted. He raised the question of how ingress and egress would be achieved on Lots 1 - 3 without crossing a Resource Protective Area. While notes are placed on the plat stating that no public agency would be responsible for bringing Avis Trail up to state standards, it would seem important that this should also be covered in covenants. Additionally, prior to final plat approval, VDOT should approve the plat since a minimal number of improvements have been stipulated as a requirement by VDOT in consideration for allowing this as a private road that could be brought in the secondary road system as a rural addition. Finally, a performance bond should be posted to ensure that these improvements are made.

Mr. Conaway made a motion to approve the Courthouse Landing – Subdivision Application, Preliminary Plat contingent on submission of conditions for public use dedication, a copy of covenants and other agreements, a traffic impact study, and addressal of ingress/egress of Lots 1 - 3.

VOTE: B. Wally Beauchamp Aye

| Donald O. Conway | Aye |
|------------------|-----|
| F. W. Jenkins    | Aye |
| Patrick G. Frere | Aye |
| Cundiff Simmons  | Aye |

4. <u>Myer Creek Harbor – Subdivision Application, Final Plat</u> – Mr. Larson stated the Board of Supervisors granted preliminary approval of the subject subdivision on June 27, 2002. The items missing from the preliminary plat were name of owner, total acreage, correct location inset and topography. The property being subdivided is in Voting District 1.

Mr. Larson said Mr. Kelley, the developer, has met all the requirements of the Subdivision Ordinance for creation of this subdivision to include VDOT and Health Department approval and completion of items missing in the preliminary plat. Mr. Kelley has provided copies of the covenants and has established a performance bond for road completion in the amount \$65,100, equal to the estimate provided. The locations of drainfield sites were not provided on the preliminary plat (nor was it required). However, identified sites on the final plat reveal potential difficulties in achieving buildable space near the setback line for Lots 7, 9, and 10. Lot 1 will also be tight

Mr. Larson said Mr. Kelley has stated that he has a contract on one of the lots, and that the contract buyer is well aware of the limitations and potential buyers are also put on notice by having the drainfield sits depicted on the plats. The other alternative is to make approval contingent on relocating drainfield sites for Lots 7, 9, and 10 further back on each lot.

Mr. Jenkins made a motion to approve the Myer Creek Harbor – Subdivision Final Plat with the stipulation that no waivers will be granted for side setbacks or intrusion into the 100' protective buffer.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

5. <u>Bay Act Appeal – Mr. and Mrs. William E. Gesell</u> – Mr. Larson stated Mr. and Mrs. Gesell purchased property located at Tax Map #26-35B last year. They did so contingent on approval of a Bay Act site plan that allowed intrusion to within 75' of tidal waters/wetlands. A site plan allowing the 75' intrusion was approved by the Planning and Land Use Office on October 29, 2001. Recently, Mr. and Mrs. Gesell submitted a new site plan, also requesting intrusion to 75'. In reviewing this site plan, it was determined that the first site plan should not have been approved since the subject parcel was recorded on December 10, 1991, subsequent to Lancaster County's implementation of the Chesapeake Bay Act and the 100' protective buffer.

Mr. Larson said it has been and will continue to be policy that no intrusion into the 100' protective buffer is allowed for properties created after September 1, 1990. The premise is that if the requirements are met for total area, contiguous building space, minimum waterfront, and minimum width at the setback line, then there should be no requirement based on hardship for intrusion in the buffer area. However, it can be argued that in these instances approval authorities made two errors that have created a hardship. First, the subdivision should not have been approved initially because there is not a reasonable building space behind the 100' buffer that would still meet other setback requirements. Secondly, the Gesells exercised appropriate diligence in the purchase of the property and purchased it relying on the representation that they could intrude into the protective buffer. Given the effect of these two errors, it is respectfully requested that the appeal be granted as a case-specific solution to the problem presented. Mr. Jenkins made a motion to grant approval of the Bay Act Appeal for Mr. and Mrs. William E. Gesell.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

## **BOARD REPORTS**

None

# **COUNTY ADMINISTRATOR**

## Surplus List

Mr. Pennell stated he would like approval to declare the old Chevrolet Blazer as surplus property.

Mr. Jenkins made a motion to declare the old Chevrolet Blazer surplus property.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

Northern Neck Planning District Commission Quarterly Meeting

Mr. Pennell said Lancaster would host the next Northern Neck Planning District Commission Quarterly meeting on January 27, 2003 and asked the board's consideration for a meeting place.

By consensus of the Board of Supervisors the January 27, 2003 Northern Neck Planning District Commission Quarterly meeting will be held at Conrad's Upper Deck Restaurant.

### Courthouse Lawn Care

Mr. Pennell said it is great to have Cy Revere back at the courthouse full time. He met with Mr. Revere and he believes that he could cut the courthouse lawn in the course of his 40 hour work week. The county would have to purchase a mower and weed eater, however; this would save the county a great deal of money. He would like the board's consideration and have Mr. Revere try this for a year. The county's contract with Simmons Lawn Care will expire soon.

Agreed by consensus of the Board of Supervisors.

### Appointment

Mr. Pennell stated at the last Northern Neck Planning District Commission meeting, James Garland, the long-time coordinator of the Northern Neck Farm Tour made a recommendation to appoint Gene Forrester as the representative for Lancaster County on the Farm Tour Committee. The Planning District Commission appointed Mr. Forrester to this position contingent upon Lancaster County's approval of the appointment.

Mr. Conaway made a motion to accept the recommendation and appoint Gene Forrester as representative for Lancaster County to the Northern Neck Planning District Commission Farm Tour Committee.

| VOTE: | B. Wally Beauchamp | Aye |
|-------|--------------------|-----|
|       | Donald O. Conway   | Aye |
|       | F. W. Jenkins      | Aye |
|       | Patrick G. Frere   | Aye |
|       | Cundiff Simmons    | Aye |

### Red Cross Fund Drive

Mr. Pennell said the chairman has asked for a letter of support for Red Cross Fund Drive which would acknowledge the relationship with Lancaster County Emergency Services and the ability to help house citizens that get burned out or in any emergency situation.

By consensus of the Board of Supervisors have Mr. Pennell draft a letter of support for the Red Cross Fund Drive.

## Town of Kilmarnock

Mr. Pennell stated the Town of Kilmarnock is in jeopardy of losing a \$200,000 bond for the road built into the Technology Park. The Town of Kilmarnock needs to acquire an extension on the bond for the road to the Kilmarnock Technology Park. Mayor Robertson has asked the Lancaster County Board of Supervisors for a letter of support.

By consensus of the Board of Supervisors have Mr. Pennell draft a letter of support.

### Internet

Mr. Pennell stated only one person can be on lancova.com at a time. The board members should consider getting their own account.

#### Board of Supervisors Minutes Book

Mr. Pennell informed the board that Connie Kennedy, Clerk of the Circuit Court has located Board of Supervisors Minutes Book Number One. The edges of the pages had been eaten by worms but C. W. Warthen Co. will be able to restore the pages. The Circuit Court has the funds available to have the book restored.

#### **BZA/Rifle Range Case**

Mr. Pennell said Diana and William Ryan have filed a petition to Circuit Court called a Brief in Opposition to Intervene. Mr. Cornwell has filed a petition in response to the Ryan's petition stating they had 30 days to appeal and it has been 74 days. The judge may dismiss the Ryan's petition.

#### Windmill Point – Expedited Hearing Request

The county is expecting a Special Exception request for the Windmill Point resort. This request will be presented to the Planning Commission on November 21, 2002 and, with the Board of Supervisors' permission, presented to the Board of Supervisors on November 25, 2002.

Mr. Pennell said there should have been a written request made to the Board of Supervisors for an expedited hearing.

Mr. Conaway made a motion to grant an expedited hearing on the Special Exception for Windmill Point Properties on November 25, 2002.

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

Mr. Jenkins asked staff to ensure the applicants are aware that the Board of Supervisors does not have to approve the special exception at this expedited hearing. If all of the necessary master plan items are not addressed, the Board of Supervisors would likely continue its consideration to a future meeting.

### Reassessment of County Real Estate Values

Mr. Pennell informed the board that he, Sonny Thomas and Mr. Jenkins would meet the three interested vendors – Blue Ridge Mass Appraisal Company, Tri-County Appraisals, Inc. and Pearson Appraisal Service, Inc. on November 1, 2002.

## **ADJOURNMENT**

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

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