

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, November 19, 2015.

- Members Present: Jason D. Bellows, Chair  
Ernest W. Palin, Jr., Vice Chair  
F. W. Jenkins, Jr., Board Member  
William R. Lee, Board Member  
B. Wally Beauchamp, Board Member
- Staff Present: Frank A. Pleva, County Administrator  
Don G. Gill, Planning and Land Use Director  
Crystal Whay, Building/Land Use Secretary

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

**PUBLIC INPUT**

Mr. Bruce Sanders of Irvington Marina stated that he wanted to give an update on the effects of the boat tax issue. He stated that no boat tax on vessels 5 tons or more has had a huge impact on his business as well as others. He stated that Yankee Point Marina has approximately thirty more boats scheduled for storage and he stated that his boat yard will be completely full this winter and he may have to expand. He stated that the Chesapeake Boat Basin's slips are full, too. He stated that he hoped it would be sustainable. He stated that a boat has to be here in the County for 183 days of a calendar year to be tax exempt, so his customers will have to come two winters in a row to reap the no boat tax benefits. He stated that he appreciated the efforts of the County.

Mr. Lee thanked Mr. Sanders for his positive report.

Mr. Jenkins asked about any new hired employees.

Mr. Sanders replied that he has a new office staff employee and a new mechanic's assistant starting in January.

Mr. David Jones, owner of Connemara Corporation in White Stone, stated that he did not want to argue the merits of whether or not the lines should be underground or overhead on the towers going across the Rappahannock River and that everyone has a right to agree or disagree. He stated that his concern is that a private organization is

asking the County to spend taxpayer money on an issue that they have. He stated that they may be the loud minority, but the average person in Lancaster County could care less. He stated that his twenty-three employees are worried about whether or not they have reliable electricity and if they have a job. He stated that he hoped the Board of Supervisors would not fund a private organization's efforts to lean something their way, be it the towers or another issue. He stated that could set a precedent for future requests from other organizations. He stated enlisting the County Attorney, Jim Cornwell, for matters concerning the County is one thing, but we should certainly not fund a private organization's issues.

Mr. Charlie Costello, a District 2 citizen, stated that the reliability of electricity is not the issue, whether it is above or below ground is the issue.

Mr. Howard Kyzer, an Ocran resident, stated that he had been reading a lot about the towers issue and he agreed with Mr. Jones. He stated that everyone has a right to write letters, attend meetings and they can also write checks, if they feel strongly about the issue. He stated that he had read that approximately 160 people attended the forum, but he thought the majority of the County's population did not care about the towers. He stated that he wondered why his tax money should fund a private organization's issue. He asked if it was legal to tax him and then give the money to certain people's "pet peeve." He stated that he thought the tax payer's money should be left alone.

## **PRESENTATIONS**

1. Resolution Recognizing State Golf Champion Alex Nelson

Mr. Bellows read the resolution.

## **Recognizing Alex Nelson 2015 Division 1A State Golf Champion**

**Whereas**, Alex Nelson is a Senior at Lancaster High School, an Honor Roll student and a member of the National Honor Society with a Grade Point Average of over 4.0; and

**Whereas**, Alex Nelson has been a highly accomplished and decorated member of the Lancaster High School Golf Team for four years, with two Conference 43 Championships and two Regional Championships to his credit; and

**Whereas**, Alex Nelson qualified for the 2015 Virginia High School League Division 1A State Golf Championship Tournament by placing fifth at the Regional Tournament at the Hobbs Hole Golf Course in Tappahannock, Virginia with a score of 76; and

**Whereas**, Alex Nelson won the 2015 Virginia High School League Division 1A State Golf Championship Tournament at the Golden Eagle Golf Club in Irvington, Virginia with a two-round total score of 155;

**Now, Therefore Be It Resolved**, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of, and expresses its admiration to, Alex Nelson, for the laudatory accomplishments attained during his high school golf career, especially this season, culminating as the 2015 Virginia High School League Division 1A State Golf Champion; and

**Be It Finally Resolved**, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter also be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Jenkins made a motion to Approve the Resolution Recognizing State Golf Champion Alex Nelson.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. David Brown, the VDOT Resident Engineer, stated that Robert Harper, Brookvale Superintendent and a new employee, Doreen Ng-Sui-Hing, Associate Engineer, were in attendance with him. He stated that Ms. Ng-Sui-Hing is with the Core Development Program of the Northern Neck Residency.

Mr. Brown stated that they have been performing maintenance such as road patching and have finished their work on Taylors Creek Road (VSH 630) for the year. He stated that they are planning on resurfacing Taylors Creek Road next year.

Mr. Beauchamp stated that he has had numerous calls concerning Taylors Creek Road and wanted to know about the loose gravel.

Mr. Brown replied that in the patching process, gravel is used to seal the pavement cracks and will wear off in time.

Mr. Beauchamp asked Mr. Brown if he knew when the repaving would be done.

Mr. Brown replied that he hoped it would be part of the 2016 paving season, but did not know the specifics.

Mr. Brown stated that the crews have also been doing shoulder and ditch work, removing sediment build-up and cutting back vegetation. He stated that they are also preparing for future snow removal.

Mr. Brown stated that the work on the Merry Point Ferry has been delayed because the bid that was received was over budget. He stated that the work will be redesigned and put out to bid again.

Mr. Brown referred to the request to evaluate the signal light at the intersection of Route 3 and Route 200 in White Stone. He stated that the request was to evaluate the provision of a protected left turn with a green arrow and the study showed there were plenty of gaps in traffic and the arrow was not warranted.

Mr. Brown referred to another request involving Morattico Road (VSH 622) and stated that in 2012, the Board asked VDOT to look at that road, which was unposted at the time, which meant that, by statute, it had a speed limit of 55 miles per hour. He stated that the speed study showed that 45 miles per hour was appropriate and it was posted as such. He stated that, based upon the recent request, the traffic department reviewed the area and whether there had been any accidents and nothing was identified and therefore, the recommendation is to retain the current 45 mile per hour speed limit on that road segment.

Mr. Palin referred to the intersection at Courthouse Road and Route 3 and stated that the vegetation needed to be trimmed back again for the visibility issue. He also referred to the Lancaster Post Office and stated that water was accumulating at the base of the parking lot off of Route 3.

Mr. Brown stated that his department would take a look at those issues.

## **PUBLIC HEARING**

1. Application to Amend Proffers on a Previously Approved Rezoning – Fillmore A.McNeal

Mr. Gill stated that the issue was an Application to Amend Proffers by Fillmore A. McNeal to increase the number of storage unit buildings on a 10.0-acre parcel described as Tax Map #16-40. He stated that the property is zoned C-1 Commercial (Conditional) and is located at 10436 Mary Ball Road in District 2.

Mr. Gill stated that the parcel is the site of the Brookvale Mini-Storage facility next to the VDOT Brookvale headquarters. He stated that the Board of Supervisors approved the rezoning of this parcel to C-1 Commercial on August 26, 1999 conditioned on the proffers voluntarily offered by the applicant that: 1) Structures would be confined to a 7.82-acre building area and 2) Development would be executed per the plan of development dated May 28, 1999.

Mr. Gill stated that the 1999 plan of development has a total of eight buildings, classified as six storage units and two office buildings. He stated that the proposed plan of development has a total of fourteen buildings and the two office buildings shown on the old plan would become part of the proposed buildings 7 and 8 on the new plan. He stated that the applicant is planning for the future and wishes to amend the prior approved plan of development by replacing it with the proposed plan of development. He stated that minor revisions to an approved plan of development can be approved administratively, but staff views this revision to increase the number of buildings as a major revision, which requires Board of Supervisors approval.

Mr. Gill stated that during the sixteen years since the original plan was approved, the applicant phased construction of the storage units and now has all six of the previously approved six storage buildings. He stated that the applicant would like to construct the proposed buildings 4 and C4 in the short term, with buildings 5, 6, 7, 8, 9 and 10 to be constructed in phases long term. He stated that staff advised the applicant to show his long term plan of development for the property instead of coming back to the Board of Supervisors every time he wanted to add a building.

Mr. Gill stated that the parcel has an approved and properly permitted commercial entrance from VDOT. He stated that any additional entrances or relocation of entrances or addition of turning lanes would be under VDOT jurisdiction and determined at the time of site plan submission. He stated that with the existing six buildings on that 10-acre parcel, the applicant is currently just under the 16% impervious cover threshold that triggers a stormwater management plan, so the construction of any additional buildings will require a stormwater management plan for the entire site. He stated that site plan and stormwater management plan preparation and submittal for additional buildings will be expensive, so it would not be prudent for the applicant to continue until this initial step of approving the amended plan of development is complete.

Mr. Gill stated that adjoining property owners have been notified and advertising conducted as required by law and to date there has been no response from the public. He stated that Mr. McNeal and his daughter were present if the Board had any questions of them.

Mr. Bellows opened the public hearing.

There was no public input.

Mr. Bellows closed the public hearing.

Mr. Palin made a motion to Approve the Application to Amend Proffers on a Previously Approved Rezoning for Fillmore A. McNeal.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

**CONSENSUS DOCKET**

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows and he stated that he wanted to commend not only the Electoral Board and the Voter Registrar, but also all of the individuals that worked at the polls. He stated that even with a “glitch” in one precinct, Lancaster County was the first county to report a full slate and that showed the effectiveness of the entire team.

1. Minutes for October 29, 2015 Regular Meeting

Recommendation: Approve minutes as submitted

2. Abstract of Votes - General Election for Virginia Senate and House of Delegates, Lancaster Commonwealth’s Attorney, Circuit Court Clerk, Sheriff, Commissioner of Revenue, Treasurer and Board of Supervisors (Districts 2, 3 and 4) and School Board (Districts 2, 3 and 4) and Soil and Water Conservation District Directors held on November 3, 2015

Recommendation: Approve abstract of votes as submitted

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye

B. Wally Beauchamp                      Aye

**CONSIDERATION DOCKET**

The Board considered the following item on its Consideration Docket:

1. Approval of Salaries and Invoices for November 2015

The motion was made by Mr. Palin to approve the salaries for November 2015 in the amount of \$254,411.89 and invoice listings for November 2015 in the amount of \$654,905.30\*.

\*Capital Improvements - \$283,306.80

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

**BOARD REPORTS**

Mr. Bellows made a motion to appoint Roy Carter to the Lancaster County Economic Development Authority.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

Mr. Palin made a motion to reappoint Terrance Taylor to the Building Codes Appeals Board.

VOTE:	Jason D. Bellows	Aye
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Ernest W. Palin, Jr.	Aye
F. W. Jenkins, Jr.	Aye
William R. Lee	Aye
B. Wally Beauchamp	Aye

**COUNTY ADMINISTRATOR**

Mr. Pleva stated that the board books contained some correspondence concerning the Virginia Employment Commission closing the Warsaw office, so then the closest office will be in Fredericksburg. He stated that some options have been proposed such as using one of the Rappahannock Community College campuses on a part time basis. He stated that he would like to recommend that the Board direct him to write a letter to the Virginia Employment Commission that expresses the Board’s concern about the closing of the Warsaw office and possible solutions.

Mr. Beauchamp stated that the Warsaw office has been vital to the Northern Neck and it should not be expected for citizens to have to drive to Fredericksburg.

Mr. Beauchamp made a motion to direct Mr. Pleva to write a letter to the Virginia Employment Commission on the Board of Supervisors’ behalf.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye

Mr. Pleva asked Mr. Gill to give an update on the proposed Windmill Point boat ramp.

Mr. Gill stated that Bay Design Group had finished the conceptual plan and it had been shown to the marina owner, Peter Anzo and the Department of Game and Inland Fisheries and had been approved by them. He stated that this past Saturday the plan was shown to the Beach Cove Villa residents as the relocation of their access road was the main concern for them. He stated that it was a good meeting and they were awaiting an email from the Beach Cove Villa Homeowner’s Association confirming what was

discussed at the meeting. He stated that Bay Design Group will be preparing final site plans and the job will go out for bids in early 2016. He stated that the joint permit application will go to the Virginia Marine Resources Commission in December and then be distributed to the Department of Environmental Quality, the Army Corps of Engineers and the County Wetlands Board. He stated that the Virginia Marine Resources Commission will not have any jurisdiction because the marina bottom is privately owned.

Mr. Lee stated not to wait too long for the confirmation from the homeowner's association.

Mr. Gill stated that he would not.

Mr. Jenkins asked if it was too early to go out for bids on the boat ramp project.

Mr. Pleva stated that it was too early because the state permits were not in place yet.

Mr. Jenkins suggested that the bid could be contingent on those permits.

Mr. Gill stated that a final site plan would be needed so that everyone would know what they were bidding on.

Mr. Jenkins stated that he hated to see the project held up and once they have the final site plan, he did not see why they could not put it out for bids.

Mr. Pleva stated that the goal is to get past the holidays and bid it out after the first of the year.

Mr. Bellows stated that the sentiment is to get it done as soon as possible.

Mr. Pleva explained the bid process and timeline.

Mr. Jenkins stated that some pressure should be put on Bay Design Group to get the final site plan as soon as possible so the bid process can be started.

Mr. Pleva stated that there are also some wetlands impacts to consider near the road.

Mr. Jenkins asked what the access road would have to do with the construction of the ramp.

Mr. Pleva replied that the job would probably be bid as one project.

Mr. Jenkins stated that it may be better to bid as two projects because most contractors have expertise in one thing or another. He stated that he wanted to instill a greater sense of urgency than what he is seeing.

Mr. Pleva stated that he is just being cautious. He stated that he did not want to see designs change after it has gone out to bid. He stated that he would talk to Ben Burton of Bay Design Group to see if it is prudent to bid it out early.

Mr. Beauchamp asked if the Department of Game and Inland Fisheries had signed off on the plan.

Mr. Gill replied that they had approved the conceptual plan.

Mr. Pleva stated that he thought the two biggest potential issues would be the non-tidal wetlands impacts and stormwater management.

Mr. Jenkins stated that neither of those issues has to do with putting in the boat ramp or finger pier.

Mr. Gill stated that a parking lot has to go with the boat ramp and that is where the stormwater management plan would come in.

Mr. Jenkins stated that he understood that, but stated that multiple contractors may need to be used for the best product and to be completed in a timely manner.

Mr. Pleva wished everyone a Happy Thanksgiving.

### **ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	William R. Lee	Aye
	B. Wally Beauchamp	Aye