

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Monday, November 29, 2004.

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

Others

Present: Joseph Staton and Carter White, Virginia Department of Transportation; Jack Larson, Planning/Land Use; Robb Hoff, Rappahannock Record

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

## **PUBLIC INPUT**

None

## **PRESENTATION**

1. Rappahannock Community College Board Report – Mrs. Palin said she wanted to thank the Board of Supervisors for giving her the opportunity to serve on the Rappahannock Community College Board. Rappahannock Community College has a comprehensive learning experience meaning they stress academics, vocational and technical programs. They have approximately fourteen career offerings and several certificate programs. Rappahannock Community College graduates approximately 200 students per year and 61 percent of those graduating are transferring to four year institutions. They are currently signing contracts with

James Madison University, Virginia State University, Virginia Commonwealth University, Longwood College and Mary Baldwin University, so that students graduating from Rappahannock Community College would be guaranteed a seat at one of the four year institutions. She stated some of her responsibilities are to approve new instructional programs, local funding and to be the “eyes and ears” of Lancaster County. Should the need arise whereas a company would like to have their personnel trained in certain courses, then RCC would try to offer the necessary courses to help the businesses.

2. Resource Conservation and Development Council – Patricia Tyrrell, RC&D Coordinator, gave a presentation of the Value of Forests. The RC&D serves ten counties of the Northern Neck and receive support from USDA, PDC, and SWCD. She stated that recreational activities such as hunting, fishing, wild life, and watching greatly depend upon the need of woodland habitat and trees help reduce pollution.

Dr. John Barber said the economics of this area are based on the renewable natural resources of farming, fishing, and forestry. Forestry in 1999 was worth \$1 billion for the ten county area. Tourism greatly depends upon forestry and its recreational opportunities.

Rich Steemsma, Area Forester for the Virginia Department of Forestry, said the direct impact for Lancaster County is \$1.9 million with truss, cabinet and logging companies. There is approximately \$306,000 in indirect expenses of parts and fueling and \$620,000 of trucking and hauling. In summary forestry in Lancaster County is a 2.8 million economic engine. However, state-wide approximately 51,000 acres of forest land are loss annually.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### County Subdivision Ordinance

Mr. Staton said he has submitted a letter to Mr. Larson, Planning/Land Use Director about the county subdivision ordinance review and how VDOT interprets the new aspects of §33.1-72.1 which governs the way the counties adds roads to the highway system. The change states any subdivision, which is three or more parcels of land, requires a road built to VDOT standards. The rural addition component of that section of the code permits the county to use up to five percent of the annual construction budget to build and add new roads to the system. That funding could be jeopardized unless between now and July 1, 2005 the Lancaster County ordinance is adjusted to conform to the new aspects of the state code section.

By consensus of the Board of Supervisors, this section of the Subdivision Ordinance will be forwarded to the Planning Commission to make recommendations.

#### Subdivision Street Requirements

Mr. Staton said the subdivision street requirements have been revised, which was a two part process of public hearings and debates. However, last month the requirements were approved by the Commonwealth Transportation Board and now published in the Virginia Registry and will go into effect January 1, 2005. There are some fees that VDOT will charge to review site and road plans. The fee change will not take effect until July 1, 2005 in order to get everyone familiar with the charges.

#### Local Maintenance

Mr. Staton said in the county maintenance program, they have trained employees to deal with the snow season and repaired some drainage problems reported by citizens.

#### Mr. Staton's Retirement

Mr. Staton informed the Board of Supervisors that he will be retiring and his last day will be January 24, 2005. He has worked with VDOT for 43 years and it has been a pleasure working with the board.

Mr. Beauchamp stated he would be missed by the Board of Supervisors and wishes him the best.

Mr. Jenkins made a motion to adopt the following resolution prepared for Mr. Staton for the 43 years he has served with Virginia Department of Transportation and service he has provided to Lancaster County:

**IN APPRECIATION  
JOSEPH F. STATON, RESIDENT ENGINEER**

**WHEREAS**, a well-managed highway transportation system is a vital aspect of the quality of life of a community; and

**WHEREAS**, Lancaster County and the entire Northern Neck has been blessed with a well-run state highway department residency; and

**WHEREAS**, for the past 43 years, Joseph F. Staton has been employed by the Virginia Department of Transportation office; and

**WHEREAS**, for many of these years, Joseph F. Staton held the position of Resident Engineer of the Northern Neck District; and

**WHEREAS**, Joseph F. Staton demonstrated his ability to lead his staff by responding in a timely manner to requests for service and, more often than not, was able to anticipate problems with the highway system and have them repaired before they became a problem; and

**WHEREAS**, Joseph F. Staton’s cheerful personality and dedication to the citizens of the Northern Neck ensured an excellent working relationship between the state highway department and county governments; and

**WHEREAS**, Joseph F. Staton has begun his retirement after 43 years of service to the Virginia Department of Transportation.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors congratulates Joseph F. Staton on his long, excellent career in service to the citizens of the Northern Neck; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors expresses its profound gratitude for the work performed by Joseph F. Staton to ensure the transportation system in Lancaster County was maintained in a high state of readiness; and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors wishes Joseph F. Staton good luck, good health and the best of times in his retirement.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**PUBLIC HEARING**

1. TEA-21 Supplement Grant – Construction of a Bike Path Between Kilmarnock and Irvington – Mr. Pennell stated at the October 28, 2004 meeting of the Lancaster County Board of Supervisors, the member authorized the advertisement

of a public hearing to apply for a TEA-21 Grant for additional funding to construct a bike path between Kilmarnock and Irvington.

The original TEA-21 grant was insufficient to construct the bike path as designed by the county's contracted engineering firm. After several attempts to negotiate contracts with the funding available, the executive director of the Planning District Commission and I recommend the Board of Supervisors apply for additional funding through the Commonwealth Transportation Board.

While the application for this additional funding has been submitted (to comply with a November 1, 2004 deadline) a public hearing must be held and the Board of Supervisors must agree to certain conditions for the grant.

Mr. Frere opened the public hearing.

Linda Coye, resident of Irvington said she is in favor of the bike path project. She stated the bike path is greatly needed because it's dangerous to ride a bike on the road. The guests that visit the Tides Inn are unaware of the dangers when riding on Irvington Road. She asked the Board of Supervisors to approve the grant and move forward with the bike path project.

Bob Fox stated he retired four years ago and now resident in Weems. He said he is a cyclist and hopes the Board of Supervisors can phrase the project if all the funds are not available. Cycling is a great form of exercise; however, dangerous to ride on Irvington Road. His family and friends are in favor of this project and encourage the Board of Supervisors to approve the resolution for the bike path project.

Mr. Frere closed the public hearing.

Mr. Frere stated Hills Quarters donated approximately a half of mile stretch of the original bike path, so there is support from the community as well.

Mr. Beauchamp made a motion to Adopt the Bike Path – Enhancement Project Resolution as follows:

**BIKE PATH – ENHANCEMENT PROJECT**

**WHEREAS**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Lancaster, Virginia.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors hereby agrees to pay 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the Board of Supervisors of Lancaster County subsequently elects to cancel this project, the Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Application for Special Exception for an Individual Manufactured Home – Mary M. Taylor – Mr. Larson said the county has received an Application for Special Exception to Place an Individual Manufactured Home by Mary M. Taylor on

property described as Tax Map #7-103. This property is located on VSH 3, Mary Ball Road, near Lively, VA and is zoned R-1, Residential, General. This property is in Voting District 2.

Mr. Larson stated Ms. Taylor is proposing to place a single wide home (32' x 76') on her property. As such, she does not meet the requirements to place it "by right". She does, however, meet the requirements to place an individual manufactured home of property ownership, commitment to live in the home herself, and approved septic system (HDID 151-04-342).

Mr. Larson said 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.

Chairman Frere opened the public hearing.

No public comments.

The public hearing was closed.

Mr. Palin made a motion to approve the Application for Special Exception Requested by Mary M. Taylor to Place an Individual Manufactured Home on property described as Tax Map #7-103.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye



3. Application for Special Exception to Operate a Bed and Breakfast – Susan Leigh Merrick – Mr. Larson stated an Application for Special Exception by Susan Leigh Merrick to operate a bed and breakfast on property described as Tax Map #33-5 (Lot #14). This property is located on VSH 666, Benson Road, near Weems, VA is zoned A-2, Agricultural, General, and in Voting District 5.

Mr. Larson said as provided for in Article 4-1-46 of the Zoning Ordinance, Ms. Merrick is proposing to operate a bed and breakfast on Lot 14 of the newly created River Village subdivision. She is the contract purchaser of this property that includes an existing structure described as the Luttrell farmhouse in which the bed and breakfast would be operated. As indicated in her presentation, she is requesting consideration for a three to four bedroom operation. Also, as indicated in the attached agreement executed with the developers of River Village she has agreed to additional terms imposed by them related to noise, lighting, and transferability of the right to operate the bed and breakfast.

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

Chairman Frere opened the public hearing.

The next door neighbor asked if this will set a precedent.

Mr. Frere stated a bed and breakfast is allowed in A-2 zoning.

The public hearing was closed.

Mr. Beauchamp made a motion to approve the Application for Special Exception for Susan Leigh Merrick to operate a bed and breakfast with the following conditions:

1. Maximum number of rentable rooms is limited to four;
2. No outside floodlights or spotlights left on after 10:30 p.m.;
3. No excessive noise at any time;
4. No outside functions after 10:30 p.m.;
5. The right to operate a B&B is non transferable or saleable without written permission.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Application for Change to Zoning District Classification – Charles B. Walker and 305 L Associates, LLC – Mr. Larson stated the Application for Change of Zoning District Classification by Charles B. Walker and 305 L Associates, LLC on property identified as Tax Map #34-163/163A/164/164A/165/166/166A from R-1, Residential General to R-2, Residential, Apartment. This property is located off VSH 637, James Wharf Road, on Carter Creek near White Stone, VA in Voting District 5.

Mr. Larson said the number of proposed dwelling units as submitted to the Planning Commission was twelve. No doubt in recognition of Planning Commission concerns over the density and “packing” along the available water frontage, the applicant has voluntarily proffered a reduction in the density to eight dwelling units. This is reflected in the master plan dated November 17, 2004 and the letter from counsel for the applicant of the same date, both of which are

included in the presentation book. Applicant has removed all dwelling units out of the floodplain, also in recognition of a concern of a Planning Commission member.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, our office has received two letters in opposition and there have been several visits to this office by adjoining property owners and/or interested members of the public to review materials.

Mr. Kopcsak, counsel for Charles Walker, said the property consists of 13.2 acres and has been divided into eight parcels of lands. As the property is currently zoned R-1, Mr. Walker could build duplexes and move the septic field closer to Carter Creek. The twelve units are consistent with others in the area; however, the Planning Commission voted not to recommend this project. Mr. Walker listened to the Planning Commission and reduced the number of units from twelve to eight. The owners will only own the land under their villa and consistent with R-2 zoning. Each villa would have its own individual well system and generator with five parking spaces per villa. The project is environmentally sound with all eight units out of the federal flood plain and Resource Protection area. The septic system is as far from Carter's Creek as possible and 86.5% of the property will be open space and Village on the Creek Home Association will be responsible for the common area. The project would not be a burden to the Sheriff's Office, Department of Social Service or other county agencies. He asked the Board of Supervisors to approve the rezoning and approve the master plan as presented.

Mr. Pennell asked why eight separate wells were needed? Would this be a more environmentally sound project with one main well?

Mr. Kopcsak said Mr. Walker wanted each owner to have their own well and generator.

Chairman Frere opened the public hearing.

Jim Rolf stated he lives on the creek side of the property. He said the homes and plans are very nice and it's great that Mr. Walker has reduced the units from twelve to eight; however, the rezoning is not approximate for the area. The property as proposed does not meet all the R-2 requirements. The right-of-way is 20' wide and Breezy Point Drive is being used. There are four acres of heavily wooded area with trees as tall as 10' – 15'. If the property is rezoned would the master plan be followed or if changes are made would it come back before the Board of Supervisors? He is concerned because the 1998 master plans were changed and now the master plans have been changed again.

Mr. Frere stated the application has proffers and they would build only eight units conditional zoned R-2. The master plan is also a proffer.

Mitch Alga said his main concern is with the septic system and pollution of Carter's Creek. Why compound the pollution problem of Carter's Creek.

Scott Boyer stated he attended the Planning Commission meeting when this project was denied and he has a number of points to make: 1) there is no merit for rezoning; 2) five upscale single family homes would probably be better for area; 3) no additional jobs would be created; and 4) Mr. Walker is an unknown developer. He does not support this project as there no common good. He asked the Board of Supervisors not to approve this project.

Alex McKelway, James Cove Association President, said there are currently ten homes that share a well with a generator. The members of the James Cove Association oppose the project. Mr. Walker should only be allowed to build

five single family homes, so there would not be a traffic or density problem. The association opposes the rezoning because all the homes in the area are currently zoned R-1 and rezoning to R-2 would be out of character. He asked the Board of Supervisors not to approve this project.

Richard Krolak stated there has been no mention of the traffic that will be generated and work will need to be done at the intersection.

Fred Bryum said his home is approximately 200 yards from the development. Traveling down James Wharf Road leading to the creek is less dense on this side with fewer homes and the homes are nested back into the trees. Mr. Walker should consider reducing the number of units without changing the zoning. The interest of the residents should take precedents.

Leland James said he lives across from the proposed project and strongly oppose the project. "Why change what's not broken".

Mr. Kopcsak stated this project is compared to the subdivision next door and not in the federal flood plain or resource protection zone. The attractive units would be back 400' from the water.

Rebecca Boyer asked what if the developer backed out and sells to another developer?

Molly Ray said the developer would not lose money if he built five large single family homes.

The public hearing was closed.

Mr. Beauchamp stated he has the same concern as some of the citizens in his district about the density, traffic and eight wells. He said as a "Steward of the

Land” he believes this project would further pollute an already heavily polluted Carters Creek.

Mr. Frere said he believes the developer, in good faith, has made efforts to do what was requested by the Planning Commission by downsizing the project from twelve to eight units out of the flood plain and 400’ from the water. He said R-2 is allowable for the area and it is consistent with what is currently there.

Mr. Beauchamp made a motion to deny the Application for Change of Zoning District Classification requested by Charles B. Walker and 305 L Associates, LLC.

VOTE:	Patrick G. Frere	Nay
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay

### **CONSENSUS DOCKET**

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

A. Minutes for October 28, 2004

Recommendation: Approve the minutes

B. Abstract of Votes – Election of November 2, 2004

Recommendation: Approve abstracts of votes as submitted and record them with the minutes of the meeting.

C. National Incident Management System

Recommendation: Adopt the following Resolution:

## **NATIONAL INCIDENT MANAGEMENT SYSTEM**

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

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the city's/county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various city/county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Lancaster County Board of Supervisors, that the National Incident Management System (NIMS) is established as the Lancaster County standard for incident management.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of November 2004 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for November 2004 in the amount of \$149,791.68 and Invoice Listings for November 2004 in the amount of \$634,755.74.



VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Supplemental Budget Request – Sheriff’s Vehicle – Sheriff Crockett stated he currently has \$8,000 in the vehicle category and need an additional \$15,000 to purchase another vehicle.

Mr. Beauchamp made a motion to approve the Supplemental Budget Request in the amount of \$15,000 for the Sheriff to purchase an additional vehicle.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Request from VACo for Funding for 2007 NACo Conference – Mr. Pennell said the county has received a request from Jim Campbell, Executive Director of VACo, for “seed” funding in the amount of \$1,000 for the 2007 NACo conference to be held in July 2007 in Richmond.

Mr. Jenkins made motion to deny the Request from VACo for funding of the 2007 NACo Conference.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye

F. W. Jenkins, Jr.                      Aye  
Ernest W. Palin, Jr.                    Aye

4. Final Subdivision Plat Approval – (Glenwood Subdivision) – Robert B. Bragg, III  
– Mr. Larson stated as required the Section 3-7 of the Subdivision Ordinance, this plat of fifteen building lots is coming before the Board of Supervisors for final approval. This proposed subdivision is located in Voting District 4.

Mr. Larson said Mr. Bragg obtained preliminary approval of this subdivision on December 29, 2003. Extension of this preliminary plat approval was granted on August 26, 2004. Mr. Bragg has addressed all issues raised when the preliminary plat was considered to include:

- 1) Removal of parcels identified as Lots 1A-1, 2A-1, 3, 6, and 7 as part of this subdivision;
- 2) At least 10,000 square feet of contiguous building space on what is now identified as Lot 8 (previously identified as Lot 10);
- 3) Providing a 50' dedicated road right-of-way with an additional 15' utility easement, clear identification of the road as a private road, and a road maintenance agreement; and
- 4) Providing a 20' easement for pedestrian water access.

Mr. Bragg is requesting an exception as provided for in Section 7-1 to the drainfield sites for Lots 8 and 11, which are remote to the adjoining Lots 7 and 10 respectively, citing the reason that locating them to an area that could be set aside as common area, given minimum lot size requirements, would place them in an area with sub-optimal soils and require pumping for some distance.

Mr. Frere made a motion to approve the Final Subdivision Plat (Glenwood Subdivision) for Robert B. Bragg, III Glenwood Subdivision.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Transfer Funds from Capital Improvement to General Fund – LPS Addition & Renovation Project and LHS Repaving Project - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore for payment to Dow Construction in the amount of \$13,455.83 as final payment for work done on the primary school additional and renovation project and payment to Rappahannock Record in the amount of \$87.50 for advertisement to procure a contractor to repave and restripe the parking lot at Lancaster High School.

Mr. Jenkins made a motion to approve the expenditures and appropriate \$13,544.00 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

6. Sale of County Property – Mr. Pennell said a citizen has asked if the Board of Supervisors would be interested in selling a piece of property it owns at the intersection of Brown’s Store Road and Chestnut Grove Lane in District 2.

Mr. Pennell stated the two parcels of county property are located at the intersection of Brown’s Store Road and Chestnut Grove Road in District 2. These parcels are known as Tax Map 9-10 and 9-27A. A citizen has inquired if the Board of Supervisors would interest in selling these parcels. Section 15.2-1800 requires that a public hearing be held prior to the Board of Supervisors selling a piece of county land. The section does not prohibit the advertisement of a parcel with the understanding (contingency) that public hearing must be held and the sale approved by the Board of Supervisors before the transaction can be closed.

Mr. Frere asked Mr. Pennell to check whether or not a school has ever been located on this property.

Mr. Palin made a motion to advertise Parcels 9-10 and 9-27A (county property) for sale to the public contingency that a public hearing must be held if an acceptable purchased price is offered for the parcels.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

7. 2005 Organizational Meeting – Mr. Pennell said each year, early in January, the Board of Supervisors holds an organizational meeting for the election of Chair/Vice Chair, board/commission assignments, meeting dates, adoption of by-laws and other items of business. He was asking the Board of Supervisors to select a meeting date for the 2005 Organizational Meeting.

Mr. Frere made a motion to schedule the 2005 Organizational Meeting for January 3, 2005 at 4:00 p.m. in the county administrator's office.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **BOARD REPORTS**

#### **Lancaster County Signs**

Mr. Beauchamp asked the county administrator about the status of the Lancaster County signs.

### **COUNTY ADMINISTRATOR**

Mr. Pennell stated Bay Aging is currently providing Adult Day Service Center at the Bethel United Methodist Church in Reedville.

### **CLOSED MEETING**

Motion was made by Mr. Jenkins to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is Personnel Matters, §2.2-3711.A.1 of the Code of Virginia. The purpose of the closed meeting is to discuss the performance of an employee. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia: Personnel Matters, §2.2-3711.A.1 of the Code of Virginia (performance of an employee).

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **RECONVENE**

Motion was made by Mr. Frere to reconvene in open session.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	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 matters for the purpose of performance of an employee in accordance with §2.2-3711.A.1 of the Virginia Freedom of Information Act;

**WHEREAS**, Section 2.2-3712 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. Frere to certify the closed meeting. A roll call vote was taken:

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

This certification resolution is adopted.

### **ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye