

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, November 30, 2000.

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

Others Present: Joseph Staton, Carter White and Robert Harper, Virginia Department of Transportation, Jack Larson, Director, Planning and Land Use, Stewart McKenzie, Northern Neck Planning District Commission, Robert Mason, Rappahannock Record

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

PRESENTATIONS

Resolution Commending Marilyn Hollingsworth – Mr. Beauchamp stated that Mrs. Hollingsworth has recently received the Commonwealth of Virginia Department of Housing and Community Development’s Spark Plug Award for High Performance in Indoor Plumbing and Rehabilitation Award. Through Mrs. Hollingsworth’s leadership in housing issues, Lancaster County has received the most state and federal funding for Indoor Plumbing/Rehabilitation in Virginia each year for the past three years.

Mr. Conaway made a motion to adopt the following resolution.

WHEREAS, the Commonwealth of Virginia’s Department of Housing and Community Development manages the Indoor Plumbing/Rehabilitation Program for Virginia; and

WHEREAS, Marilyn Hollingsworth is the Director of Housing for the County of Lancaster, Virginia; and

WHEREAS, Marilyn Hollingsworth manages the county’s participation in the Commonwealth’s Indoor Plumbing/Rehabilitation Program; and

WHEREAS, through Marilyn Hollingsworth’s leadership in housing issues, Lancaster County has received the most state and federal funding for Indoor Plumbing/Rehabilitation in Virginia for three consecutive years; and

WHEREAS, the Department of Housing and Community Development recently recognized Marilyn Hollingsworth's outstanding performance by awarding her the *Spark Plug Award for High Performance in Indoor Plumbing and Rehabilitation*; and

WHEREAS, many low to moderate income families in Lancaster County have raised their quality of life due to Marilyn Hollingsworth's commitment to improving the living conditions of families without indoor plumbing or in need of rehabilitation work to their homes; and

WHEREAS, it is appropriate to recognize the superior performance of Marilyn Hollingsworth.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors congratulates Marilyn Hollingsworth for her recent recognition by the Commonwealth of Virginia's Department of Housing and Community Development; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors expresses its own appreciation and that of its citizens for the hard work and remarkable results Marilyn Hollingsworth has demonstrated in her management of the Lancaster County Department of Housing.

VOTE: 5 – 0 Aye.

DEPARTMENT OF TRANSPORTATION

Work Session on the Six-Year Plan – Mr. Staton open the public hearing for the Six-Year Plan so that it could be approved and VDOT could move forward. Mr. Beauchamp also opened the public hearing for the Board of Supervisors.

Carter White gave the presentation and informed the public that the Secondary System Construction Program – Projected Fiscal Allocation for 2001 – 02 through 2006 – 07 has an estimated cost of \$640,000 – \$848,000. The budgeted items are small projects such as drainage improvements, improving alignment and clearing of intersections. Some of the county-wide project items include the rural additions, traffic and safety services, preliminary engineering, seeding fertilization, subdivision and site planning, at an estimated cost of \$100,000.

The following items are the major projects that will take five to seven years to complete, which include roads already paved but needing improvement. The first item is Rte 675 relocated as part of the Kilmarnock alternate route, a tie-in from Rte 688 to Rte 200 intersection with Harris Road (Hospital Road). Second priority is Rte 630/Taylor's Creek Road to improve drainage, horizontal and vertical alignments, and a sharp elbow curve. The right-of-way has been purchased. Third priority is Rte 604/Merry Point Road

at Rte 611 intersection to soften that ninety-degree curve. Priorities four and five will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school to improve the alignment and narrow bridge. Priority six is Rte 605 near Lankford's Corner to improve the alignment. Priority seven is near Good Luck Road, which is a County Line Project with Northumberland to improve the alignment a quarter of a mile west of Rte 200. Priority eight is Rte 642 Little Bay Road from Rte 641–643 horizontal alignment, sharp curves, and poor drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved. The road must have over 55 cars a day and have the appropriate right-of-way. The estimated cost of unpaved road projects of the last four years is about \$38,000 per year. Priority one, Rte 685 Twin Branch Road, which starts at Rte 615 to the dead end, the right-of-way was just obtained and VDOT hopes to start the project in the Spring. The last item is Yopps Cove Road Rte 637 to the dead end and VDOT has the right of way.

Mary Kay Davies asked why does VDOT spend so much money straightening the road, instead of cutting down the trees in the curve for better site distance?

Mr. Staton stated the improvements to Taylor Creek Road have been in the plan for about twenty years. Public hearings have been held and final plans for fixing the road are underway. Just cutting trees will not fix all the problems.

Mr. Staton said that Rte 711 Airport Road has been evaluated and an estimate of \$30,000 has been made to bring the road into the secondary system through the rural addition program.

Mr. White said they have already started looking at getting the right-of-way.

Mr. Jenkins asked what needs to be done when talking to a landowner about donating a right-of-way.

Mr. Pennell said simply have the landowners send a letter or memo stating their intent to request the road be placed in the rural addition program.

Mr. Jenkins stated VDOT should meet with the owners.

Mr. Beauchamp declared the joint public hearing closed.

Mr. Jenkins made a motion to adopt the following resolution.

WHEREAS, A public hearing occurred at a regular monthly meeting of the Board of Supervisors of Lancaster County held in the Courthouse at Lancaster, Virginia on November 30, 2000.

WHEREAS, A joint public hearing was held by the Board of Supervisors and the Virginia Department of Transportation for the consideration of a Six Year Plan For Improvements To The Secondary System of Highways for 2001-2002 through 2006-2007 and the Secondary Construction Budget for Fiscal Year 2001-2002.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors approves the Six Year Plan For Improvements To The Secondary System of Highways for 2001-2002 through 2006-2007 and the Secondary Construction Budget for Fiscal Year 2001-2002.

VOTE: 5 – 0 Aye.

Mr. Staton stated they were currently working on Rte 3 near Berry O. Waddy Funeral Home completing road repairs using riprap. In other areas patching of potholes and generally getting ready for winter.

Traffic Light at Irvington Road and Harris Road – Mr. Staton stated the traffic engineers have already start a survey and it will take a while to complete the survey.

Mr. Simmons stated that citizens have voiced their concerns about the alignment and speed limits on Harris Road (Hospital Road). There were suggestions made about putting another road connecting with Route 3 south of the Technology Park.

Mr. Staton explained that would be a five to seven-year project and would have to be in the six-year plan. This is a project which would need to be discussed.

Mr. Conaway said the traffic light on Harris Road and Irvington Road is also needed because of the emergency vehicles turning onto Harris Road (Hospital Road) and the vehicles traveling on Irvington Road do not always yield the right away. Mr. Conaway also stated he travels that road everyday and there have been a number of near misses at the Harris Road and Irvington Road intersection and this concern has been brought to the attention of VDOT before. Dr. Antonio's letter expressing his interest in installing a traffic light at that intersection is a reinforcing statement. VDOT put the lines down which were helpful. There is a danger at the intersection and he urges VDOT to go forward.

Changes in Secondary System - Route 675/688- VDOT Project 0675-051-144, C501 - Mr. Staton stated that a representative from VDOT had talked with the citizens who had concerns and they were satisfactorily resolved.

Mr. Jenkins asked was there a concern about the right-of-way?

Mr. White stated the citizen was satisfied knowing she has access to the bypass.

Mr. Staton stated there was no abandonment but discontinuance and VDOT will discontinue maintenance. The public can still use the turnaround.

Mr. Simmons made a motion to adopt the following resolution.

WHEREAS, Secondary Route 675, from Routes 675/688 to Route 200 (Irvington Road), a distance of 0.412 miles, has been altered and a new road has been constructed and approved by the State Highway Commissioner, which new road serves the same citizens as the road so altered; and

WHEREAS, certain sections of secondary roads follow new locations, these being shown on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501."

NOW, THEREFORE, BE IT RESOLVED, that the portion of Secondary Road, i.e., Section 4, shown in red on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501.", a total distance of 0.41 miles be and hereby is, added to the Secondary System of State Highways, pursuant to Section 33.1-229 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Secondary Road, i.e., Section 3, shown in brown on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501.", a total distance of 0.03 miles be and hereby is, added to the Secondary System of State Highways, pursuant to Section 33.1-229 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Secondary Roads, i.e., Section 2, shown in green on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501.", a total distance of 0.04 miles be and hereby is, abandoned as a public road and from the Secondary System of State Highways, pursuant to Section 33.1-155 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Secondary Roads, i.e., Section 5, shown in yellow on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501.", a total distance of 0.08 miles be and hereby is, discontinued as a public road and from the Secondary System of State Highways, pursuant to Section 33.1-150 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Secondary Road, i.e., Section 1, shown in orange on the attached sketch titled, "Changes in Secondary System Due to Relocation and Construction on Route 675, Project 0675-051-144, C501.", a total distance of 0.37 miles be and hereby is, to be renumbered as part of the Secondary System of State Highways,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

VOTE: 5 – 0 Aye.

Mr. Simmons stated the sign on Rte 759 and Dawson Lane has been down about a week. Mr. Staton will have it replaced.

PUBLIC HEARINGS

The following public hearings were held:

Milton S and Juanita Smith – Special Exception Application – Mr. Larson stated the applicants are requesting a special exception for placement of an manufactured home on property located on Route 603 near Regina Road. Mr. & Mrs. Smith have met all the requirements for placing a manufactured home.

Mr. Larson stated this request has been advertised and adjoining property owners were notified. As of this date there were no comments from adjoining property owner or the public at large concerning this application.

Mr. Conaway made a motion that the special exception be approved.

VOTE: 5 – 0 Aye.

Comprehensive Plan – Mr. Larson stated this would be the final public hearing to update the Lancaster County Comprehensive Plan in order to meet the December 31, 2000 deadline. Members of the Board of Supervisors were given copies of the draft comprehensive plan on November 3, 2000 to review. Mr. Larson informed the Board that Mr. Stewart McKenzie, Northern Neck Planning District Commission, was available if anyone had questions.

Mr. Beauchamp declared the public hearing open for public comments.

Mary Louisa Pollard informed the board that she was attending the meeting on behalf of her husband and he would like for his comments to be heard as part of the public hearing. The comprehensive plan, by its nature, focuses on land use. However, the impact on our lives comes not so much from our land use decisions, but from the unintended consequences of these decisions. Two principles apply when it comes to land use decisions; 1) problems usually cost less to avoid than to solve, and 2) undeveloped land pays its way in taxes whereas developed land does not. Applying these principles to Lancaster County's Land Use Plan will result in a plan that preserves open space and clusters development. Therefore, she encourages the Board of Supervisors to employ measures in the comprehensive plan that will discourage conversion of open spaces to developed spaces and thereby avoid tax increases. We cannot afford to make a decision and not act to preserve open spaces, because in the future we will not be able to reverse the consequences of indecision today.

Mr. Larson informed the board he received a letter from Mrs. Bettina B. Powell requesting that her statement be added to the public hearing. She stated that after reviewing the Comprehensive Plan for Lancaster County, there were no provisions made for "Open Space". Preservation guidelines should be included in Chapter 8 to cover the protection of farm, timber and wetlands in the county. Rural open spaces are extremely important to our general county development because we depend on the open spaces to recharge our ground water. Shallow wells need them to replenish their water levels. Our growing tourist population is dependent on the open natural beauty of our land and its historical bounty. This is an important economic factor to the county and needs to be preserved. Our rural lands are a sound tax base to the county. They do not put additional strain on our schools and other public services. She noted that a comprehensive plan is important to the controlled development of Lancaster County. She further noted that in adopting such a plan, we should strive to preserve the essence of our beautiful rural area. Open spaces are critical both ecologically and economically.

Mr. Beauchamp informed the board that he had received a letter from John and Mary Louise Bailey. They stated that they would be unable to attend the meeting and would like their comments added to the public hearing. They stated after reviewing the

draft of the Comprehensive Plan that there was no discussion in Chapter 8 of Conservation and Protection of the county's open spaces: farm land, forest and wet lands. Mr. & Mrs. Bailey stated Mr. Frere's letter, which was sent to the paper, addressed most of their concerns. They wanted to add that the economic implication of not addressing this issue now is something of great concern. While the tax revenue from open spaces may not be as great as that on developed land, additional public costs of the inevitable roads and schools that follow development are considerable. And sooner or later the costs of waste treatment will be significant.

Mary Lloyd Lay stated the overall objective, which talks about general development, should state how the county will try to preserve farmland and will make every effort to keep this a rural area with scenic highways and preserve open spaces. The reason tourists or retirees come here is because of the rural area with a lot of natural resources and if you take that away these things it will hurt the county economically. The county should make an effort to expand or support local business without giving tax breaks.

Mr. Jenkins said in regard to the scenic Rte 3, 200, 201 and 354 that widening of these roads will encourage development. Priorities will be checked and developed in certain areas to make it consistent, however there is still a need to preserve the farmland. There are other areas that have done this, however, those are areas where people with money come and invest to preserve the historical value.

Mrs. Lay stated that commercial development should be encouraged in Kilmarnock, White Stone, Weems and Irvington instead of the county having a roadside strip development.

Donald McCann stated the board voted that the bike plan would be included in the comprehensive plan, however it was missing from the draft.

Mr. Pennell stated that was an oversight and it would be added to the final copy of the plan.

Mr. Beauchamp declared the public hearing closed.

Mr. Frere stated he was concerned with a number of items in the comprehensive plan. The bike plan was left out of the draft and the county currently has an adopted bike trail/bike path. This needs to be included in the new plan to assure continued TEA-21 support and future grant applications.

The Draft CBLAD Regulations concerning permitted uses in the RPA says, "New or expanded water dependent facilities may be allowed provided that the following

criteria are met.” “It (proposed or existing use) is proposed to be located in an area designated for such facilities in the comprehensive plan.” In the proposed plan no areas appear to be designated in the general development plan for these uses. Mr. Frere recommended that wording be added under “proposed regulatory strategies to develop a new Waterfront Commercial Zone for the Zoning Ordinance and Map.” The new zone would include all the county’s existing waterfront, water-dependent uses and structures. The zone would also allow for new uses such as marina, hotels, bed & breakfasts, townhouses, condos, restaurants, seafood businesses, bait/tackle/ice stores, etc.

The board of supervisors directed planning and land use staff to develop a section for the new comprehensive plan to address suitable areas for waterfront cluster development at the October 29, 1998 meeting. No areas appear to be designated in the General Development Plan for these uses. Mr. Frere’s recommendation is to add wording to the plan to encourage the county to determine suitable places for waterfront residential cluster projects. Furthermore, accompanying changes to the zoning ordinance and zoning map need to be encouraged.

Chapters 8 & 9 are, in effect, the County’s Future Land Use Plan. However, in many areas Chapter 8 & 9 (General Development Plan and Growth Strategies) do not strongly reflect Chapter 1 – 7. For example, how does the Future Land Use Map which appears earlier in the Comprehensive Plan relate to the General Development Plan Map in Chapter 8? Which is the real Future Land Use Map? That is confusing.

Chapter 2 has a thorough discussion of prime farmland in Lancaster County. However in “Components of the General Development Plan Map” in Chapter 8, the plan lists residential areas, shopping/commercial areas, industrial/employment centers, parks and protected areas (wetlands), and various overlay districts. There is not a specific section discussing agriculture or forestry uses/areas. Furthermore, in Chapter 9 under Growth Strategies Implementation, three voluntary approaches/tools which are put forth for preserving farmland; conservation easement, use value taxation, and agriculture & forested districts. These are important to include; however, no specific areas in the county are proposed for the implementation of these tools.

Also under Regulatory approaches there is only one paragraph on agricultural land use with no specific recommendations. Mr. Frere’s recommendation is to add wording to explore the possibility for expanding the County’s current A-1, Agricultural Limited District. A lot of large parcels/farms and forested areas now zoned A-2 could be rezoned to A-1. The A-1 zone could then be revised to include uses which are supportive of agriculture, forestry, and open space preservation. Cluster development should be encouraged in this newly expanded zone to encourage development on small parts of the parcel (20%), in order to preserve large parts of the parcel (80%) for open space, agriculture, or forestry. Then the A-2 zone could be downsized to those areas near the

outskirts of our rural villages such as Alfonso, Mollusk, Browns Store, Regina, Foxwells, Westland, etc. These parcels would be those smaller parcels 1 – 10 acres in size with more mixed uses allowed. Furthermore, this change would help build up density in the villages; allowing for more efficient provision of infrastructure in the future.

Lastly, “Open Space” under regulatory approaches needs to be expanded to include ways to encourage and develop strategies for preserving open space throughout the county. Currently, this section focuses only on open space at community facilities and other public buildings.

The most effective tools the County has to implement its Comprehensive Plan are the Zoning Ordinance and Map. However, the county can not change these documents arbitrarily. There has to be a strong basis for change laid out in the Comprehensive Plan.

Mr. Simmons said that in this county there is not a lot of potential for rural development. However, according to health department standards some areas are not suitable for septic systems because of soil conditions. Also, as a landowner he has no intention of selling or developing and would not want to be required to do so with any restrictions.

Mr. Jenkins said the county should emphasize the creation of commercial and residential mixed use districts. While avoiding strip development along major routes, the county should encourage development in existing villages and towns.

Mr. Pennell stated that there is language to establish mixed use zoning in the comprehensive plan.

Mr. Jenkins said when Rte 3 is upgraded and the dual lane is completed, public water and sewer service may be extended and the county will have a hard time preventing strip development and that could also happen from Irvington to Kilmarnock.

Mr. Frere said that when Belle Isle State Park finishes development the surrounding areas would need to work together so that traffic does not become a problem.

Mr. Beauchamp said there needed to be stronger wording about open spaces and farmlands. Also, the comprehensive plan needs to cover the bike path in Lancaster County.

Mr. Simmons said that a lot of time has been put into the comprehensive plan. Mr. Larson and the staff should be commended for the great work and effort put into the plan.

Mr. Jenkins agreed that great work was done and the plan just needed some fine-tuning.

Mr. Pennell asked if the specific names of villages where mixed use development is contemplated should be included?

Mr. Jenkins said that would be a good idea.

Mr. Frere recommended bringing the comprehensive plan to the December 28, 2000 meeting with the appropriate changes for final adoption.

Criminal History Background Checks for Existing and Potential County Employee

Mr. Pennell requested that this public hearing be held and consider adoption of the ordinance.

Mr. Beauchamp asked if there were any public comments and if not that this public hearing was closed.

Mr. Conaway stated he understood that potential employees should have a background check completed, but why would existing employees require a background check?

Mr. Pennell explained that if he or a board member was informed of an existing employee being involved in criminal activities, then a background check at that time may have to be conducted.

Mr. Jenkins stated if you had an existing employee who received a promotion and was given additional responsibilities, that existing employee should have the background check completed to make sure he/she has no criminal history that would stopped them from receiving the promotion.

Mr. Frere asked is there a policy or memo to tell an existing employee that there is a possibility of having a background check conducted? Mr. Pennell advised that it would be included in the developing personnel manual.

Mr. Conaway asked why should an existing employee be subjected to a background check if he/she has been with the county for 15 years or more?

Mr. Simmons stated if the ordinance is in place and approved the background check could prove or disprove rumors of any criminal activity of the employee.

Mr. Pennell explained that neither he nor the Board of Supervisors has the ability to do the background check without this ordinance.

Mr. Jenkins made a motion moved to adopt the ordinance.

VOTE: 4 – 0 - 1 Abstains (Conaway)

CONSENSUS DOCKET

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

A. Minutes of October 26, 2000

Recommendation: Approve the minutes.

B. CBLAD Grant to Provide Assistance to the Environmental Inspector

Recommendation: Adopt the attached resolution:

WHEREAS, the Chesapeake Bay Preservation Act establishes that the Chesapeake Bay Local Assistance Board is responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia, and

WHEREAS the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

WHEREAS, the Lancaster County Board of Supervisors is the duly elected legislative body for Lancaster County, Virginia, an eligible entity under the Local Assistance Competitive Grants Program; and

WHEREAS, in accordance with the 2002 Competitive Grants Program Request for Proposals, it is required that a Resolution Authorizing the Submission of a Grant Application be received from all localities party to a grant proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Supervisors that the Executive Director of the Northern Neck Planning District Commission be authorized to apply on the behalf of Lancaster County for a grant in the amount, not to exceed \$20,000 from the

Chesapeake Bay Local Assistance Department for the purpose of providing technical assistance through the Environmental Inspector position.

BE IT FURTHER RESOLVED that if the grant is awarded it is understood the Lancaster County Planning and Land Use Staff will provide in-kind match support.

C. CBLAD Grant to Produce a Region Septic System Inventory and to Provide for GIS Training

Recommendation: Adopt the attached resolution:

WHEREAS, the Chesapeake Bay Preservation Act establishes that the Chesapeake Bay Local Assistance Board is responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia, and

WHEREAS the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

WHEREAS, the Lancaster County Board of Supervisors is the duly elected legislative body for Lancaster County, Virginia, an eligible entity under the Local Assistance Competitive Grants Program; and

WHEREAS, in accordance with the 2002 Competitive Grants Program Request for Proposals, it is required that a Resolution Authorizing the Submission of a Grant Application be received from all localities party to a grant proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Supervisors that the Executive Director of the Northern Neck Planning District Commission be authorized to apply on the behalf of Richmond, Northumberland, Lancaster, and Westmoreland Counties for a grant in the amount, not to exceed \$20,000 from the Chesapeake Bay Local Assistance Department for the purpose of creating a Northern Neck Regional Septic System Inventory, and GIS Training.

BE IT FURTHER RESOLVED that if the grant is awarded the Northern Neck Planning District Commission hereby agrees to pay for the full costs of the grant project, *not to exceed \$40,000 in total costs*, providing that certain of these costs are subject to grant reimbursements not to exceed a total of \$20,000, which shall be payable from the Chesapeake Bay Local

Assistance Department in accordance with a contractual agreement to be executed between the Northern Neck Planning District Commission, the Counties of Richmond, Northumberland, Lancaster, and Westmoreland and the Chesapeake Bay Local Assistance Department, and that if the Northern Neck Planning District Commission subsequently elects to cancel this project, the Northern Neck Planning District Commission hereby agrees to reimburse the Chesapeake Bay Local Assistance Department for the total amount of the funds expended by the Department through the date the Department is notified of such cancellation.

D. Abstract of Votes – Election of November 7, 2000

Recommendation: Accept the attached abstract of votes
(See next page)

E. Worker's Compensation Coverage for Board and Commission Members

Recommendation: Adopt the attached following resolution:

BE IT RESOLVED, that the Lancaster County Board of Supervisors hereby authorizes the members of the Board of Supervisors, Planning Commission, Board of Zoning Appeals, Wetlands Board, Historic Resources Commission, Social Services Board, Industrial Development Authority, Community Development Authority, Elections Board and Board of Building Code Appeals to be included as employees for the purposes of the Workers' Compensation Act of the Commonwealth of Virginia and entitled to all coverage provided under said Act.

VOTE: 5 – 0 Aye.

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of October 2000 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the Salaries for November 2000 in the amount of \$123,796.34 and Invoice Listings for November 2000 in the amount of \$468,374.02.

VOTE: 5 – 0 Aye.

Mr. Conaway leaves the meeting.

2. Holiday Courthouse Hours

Mr. Pennell explained that the governor had issued Holiday Hours for State Employees for December 2000 and January 2001. The Lancaster County Constitutional Officers and Courts have indicated they intend to follow the Governor's guidelines for the winter holidays. The recommendation is that the courthouse will be close Friday, December 22, 2000 at 12:00 p.m. and reopen Wednesday, December 27, 2000 and closed Monday and Tuesday, January 1 & 2, 2001 and reopen Wednesday, January 3, 2001.

Mr. Pennell informed the board that he is in the process of putting together an employee handbook which will eliminate bringing matters such as this before the board for approval, because once the board approves the handbook the information will be consistent year-to-year.

Motion was made by Mr. Simmons to approve the winter holiday hours issued by the Governor for State Employees for the county administrative offices.

VOTE: 4 – 0 Aye.

3. Proposed Amendments to the Chesapeake Bay Preservation Act

Mr. Pennell stated the in Paragraph 3 regulations are being changed to give the property owner the right at his/her discretion to remove dead, diseased, or dying trees.

Mr. Beauchamp has concerns with the amendment.

Mr. Jenkins stated that if the landowner wanted to remove trees from the property without going through proper channels that he/she could purposely kill the tree(s) and a month later state that the tree is dead or dying and remove it.

Mr. Simmons stated CBLAD wants to take the county's rights away to make those decisions.

Mr. Jenkins indicated that after talking to the Rappahannock River Basin Commission and other officials, legislators have no clue about the restrictions CBLAD would like to place on landowners or the rights that would be taken away from the counties to make decisions.

Mr. Simmons said that these restrictions would certainly take away property owner's rights.

Mr. Jenkins commented about putting additional restrictions on the landowners with the 100' setback for new constructions and remodeling being done to structures in Lancaster County.

Mr. Beauchamp informed the board that at the CBLAB public hearing there was a gentleman by the name of Robert Banach who was introduced as the Representative for the Northern Neck Planning District, however Mr. Beauchamp had never met this gentleman and he has served on the commission for a number of years.

Mr. Simmons said those folks who should be contesting these changes are the same folks who will wait until it's too late to voice their opinion.

Mr. Frere stated that he had reviewed the proposed changes to the CBPA regulations and that they are confusing. One problem is the language used in the proposed regulations. For example when the State uses the word "variance" it means something different than when the County uses the word "variance" in its Zoning Ordinance. This also goes for the word "exception". Furthermore, three things the County needs to be concerned about in the proposed changes are how they affect the County's existing, grandfathered, 75-foot setback Waterfront Overlay Lots, if the County can still administratively approve new encroachments/construction on pre-bay act lots with limited buildable area outside the buffer, and if the county can still administratively approve proposed additions (up to the existing point of closest encroachment) to existing pre-bay act houses located in the landward, 50-100 foot buffer. Mr. Frere said after reviewing the proposed regulations, it is unclear how they affect these three areas. If in fact our administrative approval power is being taken away by the state; then these proposed regulations could negatively impact the resale value of lots with existing homes in the 50 – 100 foot buffer; as well as the value of our existing, undeveloped, pre-bay act lots where encroachments would be required.

Mr. Beauchamp said as a real estate agent, in the past, sales contracts would routinely include contingencies to assure that the potential buyer would be able to acquire any necessary permit to build and/or remodel. However, he is now faced with telling potential buyers that with proposed restrictions, he's not sure what will come with the changes.

Mr. Beauchamp informed the board that Mr. Pennell could be authorized to send a letter to legislators throughout the tidewater area alerting them that CBLAD is trying to assume the rights of property owners throughout their jurisdictions.

Mr. Jenkins said make sure that on the cover letter in bold print states, warning please read immediately. There is still some time left to pressure the legislature to stop the process.

Mr. Pennell stated he would send a letter to every organization and each locality must act quickly because CBLAD could adopt the proposed changes as early as January 11, 2001.

BOARD REPORT

NONE

COUNTY ADMINISTRATOR REPORT

Mr. Pennell stated the Electoral Board has invited the Board of Supervisors to its Holiday Party which will be held at Trinity Episcopal Church on December 14th at 4:00 p.m.

Mr. Pennell stated that Department of Motor Vehicles has set aside the Dog and Cat Sterilization Fund. These funds come from the sale of special Animal Friendly license plates. This year Lancaster County will receive \$165.00. Last year the funds were given to the Animal Welfare League and he recommends that the Humane Society received the funds this year.

Mr. Jenkins moved that the sterilization funds be donated to the Humane Society.

VOTE: 4 – 0 Aye.

Mr. Pennell recommended appointing James W. Revere, Jr. to the Regional Disability Services Board.

Mr. Simmons moved that James W. Revere, Jr. be appointed to the Regional Disability Services Board.

VOTE: 4 – 0 Aye.

Hepatitis B Inoculations - Mr. Pennell informed the board that Mr. Holmes, Executive Director at Rappahannock General Hospital explained that the Hepatitis B injections would be \$60 total for the series of three shots and there are approximately 31 Rescue Squad workers. Mr. Pennell stated that his health insurance monies were available and could be transferred from the budget for this purpose.

Mr. Simmons made a motion to pay \$60 for the Rescue Squad workers to receive the Hepatitis B injections and transfer existing funds to pay for these injections.

VOTE: 4 – 0 Aye.

Mr. Jenkins moved to have Weston Conley reappointed to the Industrial Development Authority.

VOTE: 4 – 0 Aye.

CLOSED MEETING

Motion was made by Mr. Beauchamp to enter into a closed meeting to discuss matters exempt from the open meeting requirement of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting are personnel matters, in accordance with provisions of Section 2.1-344A.1 of the Code of Virginia.

VOTE: 4 – 0 Aye.

RECONVENE

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

VOTE: 4 – 0 Aye.

CERTIFICATION

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

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

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

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

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

This certification resolution is adopted.

Mr. Jenkins made a motion to appoint Donald M. McCann, III to the Lancaster County Planning Commission.

VOTE: 4 – 0 Aye.

Mr. Beauchamp made a motion to increase the County Administrator's salary by \$10,000 effective January 1, 2001.

VOTE: 3 – 0 – 1 Abstains (Frere)

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting. VOTE: 4 – 0 Aye.