

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Monday, December 29, 2003.

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

Others

Present: Jack Larson, Planning/Land Use; Peter N. Geilich and Ernest W. Palin, Jr.; Douglas D. Monroe, Virginia Quality Life; James Abbott, Lancaster Animal Control; Joan Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

None

**PRESENTATIONS**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

1. Intent to Abandon Lee Circle (VSH 1107) – Mr. Pennell stated a letter was received from Mr. Daniel E. Fenton asking the Lancaster County Board of Supervisors to consider abandoning VSH 1107 (Lee Circle) in Lancaster Shores

Subdivision since Mr. Fenton has purchased all of the lots surrounding the highway.

Mr. Jenkins made a motion to adopt the following resolution authorizing the county administrator to advertise this abandonment for a regular Board of Supervisors meeting.

**LEE CIRCLE (VSH 1102) – INTENT TO ABANDON**

**WHEREAS**, it appears to the Lancaster County Board of Supervisors that Secondary Route 1107 (Lee Circle), from Route 1102 to the dead end, a distance of 0.05 miles serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Clerk of the Board is directed to post public notice of the Board's intent to abandon the aforesaid section of road, pursuant to Section 33.1-151 of the Code of Virginia of 1950, as amended.

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

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

**PUBLIC HEARINGS**

1. Virginia Quality Life – Exempt from Real and Personal Property – Mr. Pennell stated at the November 30, 2003 meeting of the Lancaster County Board of Supervisors, the members authorized the advertisement of an ordinance to exempt Virginia Quality Life from real estate and personal property taxes.

Mr. Pennell said the annual tax paid by Virginia Quality Life was \$4,810.80 and they do qualify for exemption from real estate and personal property taxes.

Mr. Conaway made a motion to adopt the following Ordinance granting real and personal property tax exemption to Virginia Quality Life:

**VIRGINIA QUALITY LIFE**

**PROPERTY EXEMPT FROM TAXATION**

The Lancaster County Board of Supervisors hereby ordains the following as Chapter 62, Article VIII, Property Exempt from Taxation, Section 62-200 of the Code of Ordinances of Lancaster County, Virginia:

**ARTICLE VIII – Property exempt from taxation.**

\* State law reference – Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003 - §58.1-3651.

Section 62-200. Virginia Quality Life.

Pursuant to the Code of Virginia §58.1-3651, the real and personal property of Virginia Quality Life is designated as being exempt from real and personal property taxes. Virginia Quality Life is a nonprofit organization that uses its

property for charitable and benevolent purposes and has no rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin.

The Lancaster County Board of Supervisors has determined the following:

1. Virginia Quality Life is exempt from taxation pursuant to §501(c) of the Internal Revenue Code of 1954;
2. Virginia Quality has no alcoholic beverage license;
3. No director, officer or employee of Virginia Quality Life is paid compensation;
4. No part of the net earnings of Virginia Quality Life inures to the benefit of any individual. With the exception of income from endowment investments and funds to pay for construction improvements; all income is generated from donations, contributions, local and state grants;
5. Virginia Quality Life provides services for the common good of the public;
6. Virginia Quality Life is not involved in any activities involving the carrying on of propaganda, or otherwise attempting to influence legislation. Virginia Quality Life does not participate in, or intervene in, any political campaign on behalf of any candidate for public office.
7. Virginia Quality Life real property is currently assessed at \$801,800.00 and taxed at \$4,810.80. There is no tangible personal property owned by or being taxed by the County of Lancaster.

ROLL CALL

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye

Donald O. Conaway	Aye
Patrick G. Frere	Aye
B. Wally Beauchamp	Aye

2. Animals on Highways – Ordinance – Mr. Pennell stated at the November 30, 2003 meeting of the Lancaster County Board of Supervisors, the members voted to conduct a public hearing to consider adopting an ordinance to control animals running at large on highways.

Mr. Simmons opened the public hearing.

Ralph Baylor stated he does not understand the wording of ordinance and asked the board to table this issue until more clarification could be given.

G. C. Dawson said he agreed with Mr. Baylor.

Joan Baylor stated the ordinance needs to be more specific.

Mr. Abbott, Animal Control Officer stated this ordinance is for large animals such as cows, bison, horses, pigs. He said he or his assistant has no authority to do anything other than give a warning and this ordinance would make this a Class 3 misdemeanor and carry a fine. There is a specific definition for “livestock” which could be used in the ordinance.

Mr. Conaway stated his concern was whether this would penalize pet owners and believes the ordinance need to be more specific.

Mr. Jenkins made a motion to table action on the Animals on Highways Ordinance until the regular meeting of the Board of Supervisors on January 27, 2004.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

3. Change to Zoning Ordinance/Subdivision Ordinance – Lot Sizes and Cluster Development – Mr. Larson said changes to the Zoning Ordinance that would increase minimum lot sizes in the A-1 (Agricultural, Limited), A-2 (Agricultural, General), zoning districts. Proposed changes would also allow cluster development under specified conditions and would change the Subdivision Ordinance to be consistent with changes to the Zoning Ordinance.

Mr. Larson stated this matter was put to public hearing on March 27, 2003 and tabled by a vote of 5-0 indefinitely. At the November 24, 2003 regular Board of Supervisors meeting, the decision was made to place the issue on the public hearing docket for this meeting at the request of Mr. Conaway.

Mr. Larson said as provided in paragraph 15.2-2286 of the Code of Virginia, this matter is put before the Board of Supervisors as one serving the interests of the general public. Advertising for this public hearing as required by law has been conducted. To date there has been no input from interested member of the public.

G.C. Dawson stated the board would cut out the taxes and this issue should be tabled.

Mr. Acors said the county would lose taxes if the ordinance was adopted. He asked the board to please table this issue.

David Miles stated the restrictions are not good for the county's tax base. He said going from two acres to 10 acres was not realistic.

Mr. Conaway stated changing lot sizes to preserve open space was not a good idea. Economic and social situation would make it next to impossible for some people to acquire home sites especially in District 2. In A-1 (Agricultural, Limited) zoned property would be restricted with a two acre minimum; both the landowner and potential landowner would be hurt by this change. This would be a true hardship for the citizens of Lancaster County. He said he would like to this issue tabled until changes can be made.

Mr. Simmons made a motion to table Change to Zoning Ordinance/Subdivision Ordinance – Lot Sizes and Cluster Development.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

**CONSENSUS DOCKET**

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

A. Minutes for November 24, 2003

Recommendation: Approve minutes with amendments.

B. Calendar Year 2004 Organizational Meeting

Recommendation: Schedule Meeting for Monday, January 5, 2004 at 4:30 p.m.

C. Nomination to Workforce Investment Board

Recommendation: Appoint Mr. Harry Hobson, CEO and President of Rappahannock Westminster-Canterbury

D. All-Hazards Disaster Mitigation Plan

Recommendation: Adopt the following Resolution

**NORTHERN NECK REGIONAL ALL-HAZARDS  
DISASTER MITIGATION PLAN**

**Whereas**, the Federal Disaster Mitigation Act of 2000 requires all localities to have an approved All-Hazards Disaster Mitigation Plan by September 2004, and

**Whereas**, the Federal Disaster Mitigation Act of 2000 is intended to facilitate cooperation between state and local authorities, encourage and reward local and state pre-disaster planning, and promote sustainability as a strategy for disaster resistance, and

**Whereas**, the Northern Neck counties of Lancaster, Northumberland, Richmond and Westmoreland recognize the importance of disaster mitigation planning to help make the Northern Neck less vulnerable to natural disasters, and

**Whereas**, the Northern Neck counties, with the assistance of the Northern Neck Planning District Commission, have acted to develop and maintain an Emergency Operations Basic Plan and Hazardous Materials Response Plan on a regional basis, and

**Whereas**, the Northern Neck counties, with the assistance of the Northern Neck Planning District Commission, intend to continue this regional cooperative effort to meet the requirements of the Federal Disaster Mitigation Act of 2000,



**Now Therefore Be It Resolved,** that the Lancaster County Board of Supervisors agrees to join the other Northern Neck Counties in developing and maintaining a Regional All Hazards Disaster Mitigation Plan, with the assistance of the Northern Neck Planning District Commission, and

**Be It Further Resolved,** that the Lancaster County Board of Supervisors approves and authorizes the Northern Neck Planning District to make application to the Federal Emergency Management Agency and the Virginia Department of Emergency Management for grant funding to develop the Northern Neck Regional All Hazards Disaster Mitigation Plan as an annex to the Northern Neck Regional Emergency Operations Plan, and

**Be It Further Resolved,** that the Lancaster County Board of Supervisors approves the local grant match requirement of \$1,250 per county, which represents 5% of the total project costs.

E. Comprehensive Service Act – Resolution to have General Assembly Evaluate Costs for Services

Recommendation: Adopt the following Resolution

**REQUEST FOR LEGISLATIVE STUDY**

**COMPREHENSIVE SERVICES FOR AT-RISK YOUTH & FAMILIES**

**WHEREAS,** local governments throughout the Commonwealth are required to establish a Community Policy and Management Team to receive funds pursuant to Chapter 2.2-5204 of the Code of Virginia and provide a comprehensive service system for children, youth and families; and

**WHEREAS,** financial support provided by the Commonwealth and local governments has significantly increased to address the early intervention services

for youth and their families and expenditures for community services for troubled youths who have emotional or behavior problems; and

**WHEREAS**, these program costs are often unpredictable and have dramatically increased during a single fiscal year making fiscal planning and budgeting a difficult process for local governments; and

**WHEREAS**, it is difficult to establish a method to evaluate the actual effectiveness of these programs and expenditures.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors requests a legislative study be conducted to determine the actual effectiveness of the expenditures made on behalf of these services.

F. Enforcement of Kilmarnock's Animal Control Ordinance

Recommendation: Approve the Lancaster County Animal Control Officers to Enforce Kilmarnock Animal Control Ordinance

G. Northern Neck Regional Emergency Operations Plan

Recommendation: Adopt the Northern Neck Regional Emergency Operations Plan

H. RFP to Supplement Brush/Wood Waste Disposal

Recommendation: Approve and authorize the County Administrator to issue a RFP

I. Bids for Snow Removal

Recommendation: Accept the bid from Michael's Turf and Landscaping Services, Inc.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of December 2003 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for December 2003 in the amount of \$147,222.17 and Invoice Listings for December 2003 in the amount of \$463,202.22.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

2. Transfer Funds from Capital Improvement to General Fund – High School Roof 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 Brothers Construction in the amount of \$150,660.00 for work performed on the high school roofing project.

3. Transfer Funds from Capital Improvement to General Fund – High School Roof 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 Mactec Engineering in the amount of \$5,250.00 for work performed on the high school roofing project.

4. Transfer Funds from Capital Improvement to General Fund – High School Roof 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 Mactec Engineering in the amount of \$106,020.00 for work performed on the high school roofing project.

Mr. Frere made a motion to approve the expenditures and appropriates for Consideration items 2, 3, and 4 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

5. Invitation to Bid – Road Sign Replacement – Mr. Pennell stated Glenn Rowe has requested bids for the provision and installation of road name signs in Lancaster County including the incorporated towns and provision of address plates. Under

the terms of the request for bids, existing road signs and 4 X 4 posts would be replaced with sign and post assemblies which are purported to be more vandal resistant and require less maintenance.

Mr. Pennell said the county received one bid from Korman Signs, Inc. of Richmond, Virginia with bid amounts as follows:

Provision and installation of signs:	\$157,984.20
Provision of Address Plates:	<u>24,180.00</u>
TOTAL BID	<u>\$182,164.20</u>

Mr. Pennell stated Korman estimates the project would take approximately 145 days to complete.

Mr. Beauchamp made a motion to accept the Road Sign Replacement bid from Korman Signs, Inc. in the amount of \$182,164.20.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

6. January 26, 2003 Planning District Commission Meeting – Mr. Pennell said the quarterly meeting of the Northern Neck Planning District Commission will be held on January 26, 2004. This meeting will be held in Lancaster County and the Board need to select a location.

Mr. Beauchamp made a motion to have the Northern Neck Planning District Commission quarterly meeting at Conrad's Upper Deck and Jimmie's Grille as an alternate.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

7. Preliminary and Final Subdivision Approval – MHG Corporation – Mr. Larson stated Section 307 of the Subdivision Ordinance requires that the Board of Supervisors review subdivisions containing six or more lots. The proposed subdivision contains a total of nine lots.

Mr. Larson said the property being subdivided is zoned R-1, Residential, General. It is felt that this subdivision meets all the requirements of the Subdivision Ordinance with the exception of the depiction of topography on the plat. It is recommended that this requirement be waived in view of the size of the lots and the overall suitability of the land for residential construction.

Mr. Frere stated everything appears to be in order, however; he would abstain from voting because of a potential conflict of interest.

Mr. Simmons made a motion to approve the Preliminary and Final Subdivision for MHG Corporation.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Abstain
	B. Wally Beauchamp	Aye

8. Preliminary Subdivision Approval – Robert B. Bragg III – Mr. Larson stated Section 3-7 of the Subdivision Ordinance requires that the Board of Supervisors review subdivisions containing six or more lots.

Mr. Larson stated that the property being subdivided is zoned R-1, Residential, General and that Mr. Bragg has been advised of the concerns identified in his review. Mr. Bragg has provided the board with a revised plat that shows the required average water frontage for the waterfront lots. The two lots in the lower left corner (identified as Lots 6 and 7) are not part of the proposed subdivision and will be removed. A VDOT review must also be conducted prior to submission of the final plat. The issue of 10,000 contiguous square feet of building area in Lot 10 must also be addressed.

Mr. Larson also stated while showing a proposed 50' road, Mr. Bragg is requesting a private road exception on the grounds that changing the existing road to meet state standards is contrary to the spirit and intent of various County ordinances, such as the Chesapeake Bay Preservation Ordinance.

Mr. Frere stated the proposed property lines need modification to meet the building space concern raised by Mr. Larson.

Mr. Beauchamp made a motion to approve the Preliminary Subdivision for Robert B. Bragg III with a private road exception subject to the following requirements:

- 1) the existing road be hard surfaced, a homeowner's association created, and a road maintenance agreement established;
- 2) a boundary line adjustment for Lots 1A1-A and 2A1-A completed and approved prior to consideration of the final subdivision plat;
- 3) lots 1A1-A and 2A1-A removed from this subdivision;

- 4) a minimum of 10,000 contiguous square feet of buildable space created on Lot 10;
- 5) a 50' dedicated road right of way shown on the plat along with an additional 15' utility easement;
- 6) the representations of "Lot 3", "Lot 6", and "Lot 7" in the lower left corner of the plat removed since they are not part of the proposed subdivision; and,
- 7) a note placed on the subdivision plat stating that "no public funds will be used to improve or maintain subdivision roads".

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

9. Supplemental Appropriation – Deputy Johnny Smithart – Mr. Pennell stated that Bonnie Haynie was not informed that the Compensation Board eliminated Grade 7 from Sheriff's pay grades. The salary computation for Deputy Sheriff Johnny Smithart use in the FY04 budget computations was incorrect.

Mr. Beauchamp made a motion to approve a supplemental appropriation for FY04 in account number 33100 in the amount of \$7,430.00.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye



10. Emergency Generator Design – Lancaster Sheriff’s Office – Mr. Pennell said following Hurricane Isabel, it was determined that the generator presently installed at the Sheriff’s Office/Jail was not sufficiently sized to power all environmental and operational systems required to maintain full operation of that building during times of electrical failure.

Mr. Pennell said in the post-Isabel critique of county services, it was determined that a much larger emergency generator was needed to supply all operational and environmental services at the Sheriff’s office and jail. Because of the complexity of upgrading the existing generator and hook-ups, I contacted Mr. J. Mosby West, P.E. of Irvington (an electrical/mechanical engineer), to produce a set of construction documents whereby an RFP could be issued to upgrade the generator.

Mr. Pennell said following Mr. West’s initial review of the building, he determined that a more involved study and report was required to properly size and install an emergency generator. The number of environmental system (heating and air conditioning) as well as the requirements to maintain lights, radio systems, etc. made the engineering study more complex than first thought. Some of the issues identified to be included in the RFP were:

1. The generator must be able to start the air conditioning and refrigeration units in the jail.
2. How to tie the generator into the main utility service.
3. How and where to tie-in the transfer switch to the multi-faceted system.
4. What types of generator will be required to power these systems.
5. Develop a list of suppliers who can install this type of system.
6. How to remove the existing underground diesel tank and install an LPG (Liquid Petroleum Gas) system to keep the generator working with the minimum of attention.

Mr. West's proposal provides for everything needed except for the removal of the existing diesel tank which can be accomplished by a secondary contract with a company experienced in this process

Mr. Jenkins made a motion to approve entering into a contract with Mr. J. Mosby West, P.E., in the amount \$5,000.00 to produce a set of construction documents (specifications and drawings) to enable the county to issue an RFP to upgrade the emergency generator at the Sheriff's Office/Jail and authorize the county administrator and county attorney to prepare a contract to execute the necessary documents for the study.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conaway	Aye
	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

### **BOARD REPORTS**

Mr. Jenkins stated it has been an honor to serve with Mr. Conaway and Mr. Simmons and their names have been added to the Lancaster County Board of Supervisors Plaque which is displayed in the County Administration Office.

Mr. Conaway said he has enjoyed his twelve year tenure on the board and has seen positive change in the county. He would like to thank the citizens and board members for allowing him the opportunity to serve. He said "you may be elected to represent one district, but you serve the entire county".

Mr. Simmons stated he has enjoyed serving on the board. There has not always been a smile on his face, however; the board has worked well together and acted in a gentlemanlike fashion and has done an excellent job for the citizens of Lancaster County.

## **COUNTY ADMINISTRATOR**

### **Virginia Department of Transportation**

Mr. Pennell stated VDOT has accepted the letter from Donald Shaklin and the resident from VSH 614/ Devil's Bottom Road requesting the road be designated as a Virginia Scenic Byway. They have sixty days to review.

### **Northern Neck Audubon Society**

Mr. Pennell stated the Northern Neck Audubon Society has been approved for the grant to reconstruct the nature trail.

### **New Tides and Golden Eagle Project**

Mr. Larson stated this issue was not approved by the Planning Commission. There were a number of items to be addressed. The applicants have submitted a letter requesting a continuance.

### **Sloop Point and High Banks**

Mr. Larson said he was approached by a surveyor which has indicated that there should be a subdivision plat to go along with a master plan for each project submitted with specifications and boundaries. He stated he would be sending letters to the applicants requesting this information.

## **ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn to Monday, January 5, 2003 at 4:30 p.m. Organizational Meeting.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye
	B. Wally Beauchamp	Aye