

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, December 29, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; George Thomas, Jr., Commissioner of the Revenue; Clyde Hathaway, Clifton Balderson, Gale Dickerson, Mark Fridenstine, Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Mr. Costello, Friends of Lancaster County, said he attended the joint board meeting with the School Board at the old school bus garage. It was an excellent meeting and appreciated the cooperativeness. He hope that the old school bus garage can be renovated and save that beautiful ceiling.

Ms. Barbara Dietz stated she has concerns about Wal-Mart or “Big Box” coming to Kilmarnock. She asked the board if they have met with the Kilmarnock Mayor or Town Council. If Wal-Mart comes to Kilmarnock, it does not just affect Kilmarnock, it will have an affect on the county and probably the Northern Neck. Leadership is needed

and she does not believe that Kilmarnock is providing it and wonders if the Board of Supervisors can insert themselves in the process before changes take place in the county that we will all regret.

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Public Hearing on the Six-Year Plan – Clyde Hathaway introduced VDOT staff members Gale Dickerson, Construction Engineer, Mark Fridenstine, Clifton Balderson, Acting Residency Administrator, and Robert Harper, County Superintendent. He supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2006-07 through 2011-12 at an estimated cost of \$493,000 - \$524,000 per year. Clyde Hathaway informed the board that the county-wide project items include rural additions, traffic and safety services, private entrance pipes, preliminary engineering, seeding, fertilization, subdivision, and site planning at a cost of \$80,000 per year. The incidental budget items are small projects such as drainage improvements, clearing of intersections and improving alignment at a cost of \$20,000 per year.

The first item is VSH 630/Taylor's Creek Road, to improve the drainage and horizon and vertical alignments. This project will be completed next year with the exception of the segment on the end due to a budget shortfall, however; the end segment will be constructed by state contractors that will begin August 2008 when money becomes available. The second priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment. Unpaved road projects include existing state maintained dirt roads that need to be paved under the Rural Rustic Road program. In order for one of these type roads to be paved, it must have fifty cars per day. The first item is the P Monies which is the funding for the unpaved roads, all the money is

allocated for the next several years and the last year of the plan there will be \$14,000 applied to a specific road. The first priority is Rte 632/Indiantown Road to be paved under the Rural Rustic Road program. The second priority is Rte 789/Hadley Drive in Ocran this road begins at Rte 643 and runs .03 miles north of Rte 643. This is being done to improve the drainage and build a turnaround.

The supplemental lists are projects which have no funding available but were designated by the board as projects when funding becomes available. The first priority will be Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge. The second priority is Rte 605 near Pickardsville Road to improve the alignment. Priority three is Rte 607/Ditchley Road, a County Line Project with Northumberland, to improve the alignment and site distance. Priority four is Rte 642/Little Bay Road for the improvement of alignment and drainage.

Dr. Russell stated he believes that it would be helpful to have a narrative with the handout for future 6-year plan public hearings.

Mr. Hathaway said a Northumberland County resident made the same statement and he will take it under advisement.

Mr. Beauchamp asked about the Rte 632 Indiantown Road date change.

Mr. Hathaway stated that VDOT had projected to start in 2006 which is before the money becomes available, which is why the begin date has been moved to 2009.

Chairman Jenkins opened the public hearing.

Jerry Hamm, Indiantown Road resident said there are 14 houses in the Westview subdivision. They have been trying since 1988 to get this road paved. There was a land owner who did not want to give VDOT the right of way needed. Then legislature passed

a bill establishing the Rural Rustic Road program, which would allow VDOT to pave the road. The citizens have been informed that the project has moved from 2006 to 2009 and this is very discouraging. He hopes that VDOT can find the funding to complete this job sooner than 2009.

Ralph Crawford, discussing the Taylor Creek Road project said his bigger problem is he can not keep his car clean. He said the project was to straighten out two 90 degree turns, which are still there. Since the construction of this project there have been pot holes, drainage problems, and the surface of the bridge is in worse condition than before. This is a very bad situation and something needs to be done.

Ms. Dickerson stated the contractor will be putting in filler materials over the culvert bringing it up to grade and surface treat the top of the area.

Barry Mandell said he wanted to thank VDOT and the contractor for the brand new pot holes.

Ms. Dickerson said the contractor should be finished by October 2006 or within a month or two if weather permits.

Mr. George Chibalis asked who they should call when there is a problem. In the meantime there needs to be proper signage, warning of the 90 degree curves and a speed limit. The pot holes are damaging the vehicles of the residents and visitors. When it rains, the road has more and more pot holes and when winter comes and it freezes someone is going to slide off the embankment. He hopes that VDOT can complete the project.

Ms. Dickerson said once the filler and surface treatment are in place the road should be free of pot holes. One of the ways they were able to save money and come in under budget was to take off the asphalt and use surface treatment.

Jim Prince, Taylor's Creek resident said they left the most dangerous part of the road undone. This is a safety concerns and should be addressed prior to a fatality.

Linda Law, Moran Creek Road resident, said she did not understand how the contractor could be ahead of schedule, yet one half of the project will not be done and now the project will not be completed until 2008. The safety issues have been aggravated.

Ms. Dickerson stated the contractor ran into a number of unforeseen problems, such as the soil was more difficult to deal with, etc. VDOT can not longer deficit spend.

Phil Winter, Moran Creek Road resident, said there were three safety issues to be corrected and only one concern was resolved. He said the descending curve, right angle 90 degree curve at the church, and the junction of Peak Road. He hopes that the Board of Supervisors will approach the General Assembly because VDOT apparently can not fix this problem.

Jerry Hamm stated there are a lot of different reasons as to why the work was not done on time, but the fact of the matter is that the contractor should be held accountable.

Marjorie Paige, Peak Road resident, said two of the most dangerous sections of the project are Peak Road and Taylor's Creek Road junction and the 90 degree curve at the church have not been addressed. There are teenagers driving and caution signs need to be in place because it is a safety issue. The last 1300 feet need to be done. Speaking on behalf of the Wesley Presbyterian Church this is a true hazard.

Maklon Laws, Beckley Forrest Road resident, said the project was planned with the best of intentions, however; they fell short. The runoff needs to be addressed and the Board of Supervisors should be very concerned. When can this project be done and how can it be implemented.

Mr. Hathaway said the board set the priorities, funding is applied and the board trusts VDOT to do the rest, such as design, study, and survey. Unfortunately, a lot of unforeseen problems occurred on this project.

Jim Deutch, Moran Creek resident, asked what is the recommended solution.

Ms. Dickerson said VDOT's plan is to complete the road with surface treatment the last 1300 feet of the project. There is no funding available and money can not be moved from one project to another.

Mr. Balderson said there is funding in the amount of \$513,000 for 2006-2007 which what VDOT has to work with and \$300,000 – \$400,000 to complete the last segment of the project which does not include asphalt.

Margaret Socey said the heavy equipment has messed up all the sections of the road and the now the road feels like a washboard. The residents do not want to travel this road under these conditions for two years.

Tom Nolte stated he wanted to thank the VDOT staff. He said they need the help of VDOT and realize that their hands are tied because of a lack of funding, however; between now and 2008 is a long time. The safety issues must be addressed because the road is more unsafe now then before. We are aware that Senator Chichester will be submitting a bill and asked the Board of Supervisors to be supportive of the legislation. It is a waste of state funds to stop and restart the project and the cost of the project will become more costly. There should be a condition ordered to complete Rte 630/Taylor's Creek Road first when funds become available.

John Woodard, Taylor's Creek resident, said all this is paid by tax dollars and we are all taxpayers. He is concerned about the cost to remove and bring back all the trailers, equipment, and portable toilets. VDOT is putting a band-aid on the project by

using surface treatment. This can not be the first road that has run over budget. Does the state not have the funding available to complete this project?

Judith Vogel said the people working on the project filling the potholes are doing a great job, however; they have to keep refilling the same potholes over and over again. She also asked if a speed study could be done and proper signs posted.

Mr. Jenkins asked Mr. Hathaway if VDOT could get a safety engineers out to this site, indicating it is an emergency.

Mr. Hathaway said yes.

Chairman Jenkins closed the public hearing.

Mr. Jenkins stated the VDOT staff representatives at this meeting is simply working with the hand was dealt to them. There are two entities; the Governor and the General Assembly and they have both let us down. We are that hidden, silent majority that because we are good citizens, allow ourselves to be overlooked. They look for where the big bucks are and the big buck votes are not in little Lancaster County. But, what does work is getting on the telephone and doing some research to find out who is in charge of each of the major committees and email, write or call them. In your email, indicate that you will be sending a letter, if no response, call the office, if there is no return call - visit the office.

Mr. Beauchamp said he wanted to clarify that VDOT did not initiate this project, this project goes back approximately twenty-five years ago and the request came from the original citizens of Taylor's Creek and probable no one present was a part of that group of residents. Many of the residents present asked the board to rescind the work and not have it done, however; that it would have cost the county approximately \$200,000 because the county would have to reimburse the state funds that were expended in right of way, surveys, etc. and the county could not do that. VDOT proceeded with the project

and now we have a major catastrophe. He said he has been on the Board of Supervisors for eight years and this is the biggest catastrophe that this board has seen in this county and that normally does not happen. He asked the citizens to email or write a letter to Senator John Chichester encouraging the bill that he stated he would introduced. Also, email or write the Governor's Office, the General Assembly, and Virginia Department of Transportation, all this information can be found on the internet.

Mr. Beauchamp made a motion to Authorized the County Administrator to write the strongest letter to all important parties (the Governor's Office, the General Assembly, and Virginia Department of Transportation) about the Taylor's Creek Road Project which is a catastrophe.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Geilich made a motion to Approve the Virginia Department of Transportation Six Year Plan.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

PUBLIC HEARINGS

1. Ordinance to Provide for the Implementation of the 2004 – 2005 Change to the Personal Property Tax Relief Act of 1998 – Mr. Pennell stated at the November

28, 2005 Board of Supervisors meeting Sonny Thomas, Commissioner of the Revenue, gave a report on the actions of last year's General Assembly to "cap" the refund of the "no car tax" thereby jeopardizing local government's ability to recoup the former 70% of a motor vehicle's personal property tax the commonwealth had been reimbursing. By adopting the draft ordinance, the Lancaster County Board of Supervisors will be able to adopt, by resolution, appropriate tax rates to keep the county "whole" in personal property tax receipts without having to rely on increased real estate tax rates.

Chairman Jenkins opened the public hearing.

Hearing no public comments.

Chairman Jenkins closed the public hearing.

Mr. Beauchamp made a motion to adopt the following Ordinance to Provide for the Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998:

An ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 - Specific Relief

WHEREAS the Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require Lancaster County to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA, as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying, personal use vehicles that are subject to the personal property tax on such vehicles.

NOW THEREFORE BE IT ORDAINED by the Lancaster County Board of Supervisors as follows:

§ 1. Purpose; Definitions; Relation to other Ordinances. (a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia; and

(b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended; and

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County Code, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief. (a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill; and

(b) The Lancaster County Board of Supervisors shall, by resolution, set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth; and

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 3. Allocation of Relief among Taxpayers. (a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief; and

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less; and

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The percentage shall be established annually as a part of the adopted budget for the County.

§ 4. Transitional Provisions. (a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs; and

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Penalty

and Interest shall be computed at the rate provided in Lancaster County Code of Ordinances §62-2 et. seq. from the original due date of the tax.

ROLL CALL

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

2. Application for Special Exception – Rachel and Frank Pugliese – Mr. Larson presented an application by Rachel and Frank Pugliese for a Special Exception to operation an antique furniture and accessories shop on property zoned A-2, Agricultural, General and further described as Tax Map #28A-1-3. This property is at 2106 Irvington Road (VSH 200) near Kilmarnock, Virginia in Voting District 4.

Mr. Larson said at the November 28, 2005 regular meeting the Board of Supervisors, approved a request to conditionally rezone this property to its present zoning of A-2, Agricultural, General. This approval was with the understanding that the intent was to use the property for an antique store. The board accepted proffers constituting the conditions under which the rezoning request was granted.

Mr. Larson stated this issue has been advertised and adjoining property owners notified as required by law. To date there has been no input from adjoining property owners or other interested members of the public.

Chairman Jenkins opened the public hearing.

Mr. Martin, counsel for the applicant, stated that proffers have been submitted, it is less intrusive than the other businesses in that same area, and has

the support of the adjoining property owner. He asked the board to grant this special exception.

Chairman Jenkins closed the public hearing.

Dr. Russell made a motion to Approve the Application for Special Exception for Rachel and Frank Pugliese.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

3. Application for Amendment to the Comprehensive Plan – Frederick K. West – Mr. Larson presented an application by Frederick K. West for an Amendment to the Comprehensive Plan to facilitate a 66-unit single-family development on Tax Map #28-139 by extending an existing sewage treatment line approximately 700 feet from the Town of Kilmarnock. This property is off VSH 1036, Harris Road, near Kilmarnock, Virginia in Voting District 4.

Mr. Larson stated he has provided the board with excerpts of the draft minutes of the November 17, 2005 regular meeting of the Planning Commission wherein this issue was considered, He also submitted a memorandum from Mr. West dated December 9, 2005 intended to summarize his arguments for favorable consideration and provide a chronology of consideration to date. Since this document also addresses Mr. West’s associated rezoning request, it is meant to provide the same purpose with respect to the request which is on the consideration docket item for this meeting.

Mr. Larson said this issue has been advertised and adjacent property owners notified for this public hearing as required by law. To date there has been no input from either adjoining property owners or other interested members of the public for this hearing of the issue.

Chairman Jenkins opened the public hearing.

Mr. West said that he met with Mr. Larson in March 2005 and the suggestion from the Planning Department was to go to the Town of Kilmarnock and ask for access to municipal services. He stated the subject site is zoned R-1 and theoretically the entire site can be developed. The fact is that access to municipal services, which Lancaster County does not have, but is available from the Town of Kilmarnock is only 700 feet from the site. This gives the applicant the opportunity to develop in the most responsible way. He understand that boundary line adjustment could be an issue, but the one thing they have heard for the beginning of this project is that Harris Road maybe an obvious boundary line possibly in the future. He said he has had a number of meetings with the Town of Kilmarnock Mayor Robertson and unfortunately he was unable to attend because he had other obligations. He would like to board to approve this request, however, at least continue the request until the board hears from the Town of Kilmarnock. This would be a great opportunity for both the Town of Kilmarnock and the County to serve both municipalities and address issues that have come up with sharing decision making when it come to distribution of services in the county. The property historically has been named Spring Hill, however; the property will be renamed Grace Hill.

Mr. Beauchamp said the statement on the chronology of the approval process that Kilmarnock and Lancaster County are undertaking. In October; the Board of Supervisors was advised by Kilmarnock officials that an agreement had been reached with Lancaster County to allow for municipal service to our site. He stated he was unaware of any agreement.

Mr. West said he believed there was a meeting of the minds after a conversation with the town manager and mayor of Kilmarnock. The project will be a model for future development in Lancaster County.

James Davis, adjoining property owner, said Mr. West is presenting to the board something the board is totally unaware of. He stated that Mr. West indicated this project would be good for Lancaster County, but not for the neighbors. In a low income neighborhood, the cost of the homes will be approximately \$300,000 and he is afraid this would raise the taxes and they will be forced out of their homes. Mr. West has no consideration for neighbors and this project should not be approved.

Janette Davis said the neighborhood should have been better informed, as opposed to after the fact.

Chairman Jenkins closed the public hearing.

Dr. Russell said while Mr. West projects maybe a model and on the surface it looks very good. We are talking about the county's future and he believes in thinking strategic and long term. The county is in the process of revising the Comprehensive Plan has a lot of money invested in that and will be looking at a number of issues other than just one practical development. Unfortunately, he will be unable to vote for any amendments to the Comprehensive Plan at this time. He believes that a resolution should be approved stating that there will not be any amendment to the Comprehensive Plan until the new plan is revised and approved in its entirety or in sections by the board.

Mr. Geilich stated Mr. West is putting forth this project in very good faith and is a nice project. He also appreciates the concerns of Mr. and Mrs. Davis and

other residents, but the one thing will not happen; is this project will have nothing to do with the tax rate. He stated the residents there will not be affected by receiving tax increases, however; there may be some traffic concerns. He agreed that this process need to be further studied.

Mr. Beauchamp said he has concerns with amendments to the Comprehensive Plan that is in the process of being revised. He believes it is an excellent project, well thought out and planned. Unfortunately, he can not support the amendment at this time.

Mr. Palin stated that Mr. West has been upfront and honest about the project throughout the process. He also believes that this is a good project. He heard the concerns of the residents of that area and understands because he has the same concern about the residents in his district and Lancaster as whole. While, he agreed with his fellow board members, he hopes that they will still give Mr. West an opportunity to return and continue to work toward getting this project started once the Comprehensive Plan is revised.

Dr. Russell made a motion to deny the Application for Amendment to the Comprehensive Plan for Frederick K. West.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

By consensus of the board, bring the Comprehensive Plan back as each chapter is completed.

CONSENSUS DOCKET

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

A. Minutes for November 28, 2005

Recommendation: Approve the minutes

B. Foundation Services – FEMA Hazard Mitigation Grant

Recommendation: Award the house elevation contract to Top Notch
Masonry

C. Elevation Services – FEMA Hazard Mitigation Grant

Recommendation: Award the house elevation contract to Ayers House
Movers

D. Engineering Services – Greentown/Gaskins Road Block Grant

Recommendation: Award the Engineering Service Contract to Bay
Design

E. Rehab Specialist Services – Greentown/Gaskins Road Block Grant

Recommendation: Award the Rehabilitation Specialist Contract to Bay
Aging

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of December 2005 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for December 2005 in the amount of \$168,003.51 and Invoice Listings for December 2005 in the amount of \$459,139.65.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

2. Wetland Application Fees – Mr. Pennell stated Marshall Sebra, Lancaster County Environmental Codes Compliance Officer said the current fees for wetland applications are \$100 for residential projects and \$125 for commercial projects. After a comparison of wetland application fees for surrounding counties, consideration of a fee increase is appropriate. For roughly twelve years the fees charged for processing wetland applications and holding a public hearing have not changed, while costs for the county have risen accordingly. If fees are increased to the recommended figures, the Lancaster County wetlands program will become self-funding rather than a burden on the taxpayer. Staff recommends increasing Wetland Application Fees to \$200 for both residential and commercial wetland projects.

Mr. Jenkins made a motion to Approve Increasing Wetland Application Fees for both residential and commercial wetland project to \$300 and permit extension to \$100 effective January 1, 2006.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

3. Application for Change of Zoning District Classification – Frederick K. West – Mr. Larson presented a request by Frederick K. West to rezone property described as Tax Map #28-139 from R-1, Residential, General to R-3, Medium General. This property is off VSH 1036, Harris Road, near Kilmarnock, VA in Voting District 4.

Mr. Larson said this issue was heard at public hearing at the September 29, 2005 regular meeting of the Board of Supervisors. Consideration of the request was tabled for thirty days to give Mr. West an opportunity to address concerns raised by Mr. Davis, an adjoining property owner, to consider an alternative name for his development, and to answer other questions raised by the Board. Mr. West was prepared to return to the Board at the October 27, 2005 regular meeting. However, he voluntarily agreed to wait for the November 28, 2005 meeting to have his request considered because of a full docket at the October meeting. At the November 28, 2005 meeting consideration of this request was continued to this meeting where an associated request to amend the comprehensive plan would be the subject of a public hearing. The documentation provided in support of that request also applies to this application.

Mr. Jenkins made a motion to continue the Application for Change of Zoning District Classification for Frederick K. West to May 25, 2006.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

4. Request for Extension of Preliminary Plat Approval – Steve Self (Stonegate Subdivision) - Mr. Larson said due to difficulties in gaining VDOT approval of the subdivision street profiles and plans, Mr. Self is requesting an extension of preliminary plat approval. The proposed subdivision is off VSH 641, Mosquito Point Road, in Voting District 5.

Mr. Larson stated the Board of Supervisors approved the preliminary plat for Stonegate subdivision at its May 26, 2005 regular meeting. In Article 6-5 of the Subdivision Ordinance states that a final plat must be submitted for consideration not more than six months after official notification of preliminary plat approval. However, this same article also states “the agent and Board of Supervisors may, on written request by the subdivider, grant an extension of this time limit up to, but not exceeding six months.” Such an extension seems a reasonable request especially given that circumstances are beyond the control of the subdivider.

Mr. Beauchamp made a motion to Approve the Request for Extension of Preliminary Plat Approval for Steve Self (Stonegate Subdivision) until May 25, 2006.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

5. Preliminary and Final Subdivision Plat Approval – R. Frederick and Judith J. Baensch – Mr. Larson said as required by Article 3-7 of the Subdivision Ordinance, this subdivision in excess of five lots with the proposed name of “Waterman’s Wharf” is being presented to the Board of Supervisors for preliminary and final plat approval. The subject property is in Voting District 3.

Mr. Larson stated the layout of this subdivision was presented to the Board of Supervisors at the March 31, 2005 regular meeting. This subdivision consists of eight existing lots, for which boundary line adjustments have been made, and six new lots. Existing lots as previously configured ranged in size from less than a quarter of an acre to twenty-eight acres. Adjustment of boundary lines was done consistent with the application paragraph of Article 18, Waterfront Overlay, W-1, which provides for boundary line adjustments on lots created prior to May 11, 1988. Existing lots as reconfigured have considerably more buildable area and do not require encroachment into the 100' protective buffer to achieve a reasonable building site. Lots as originally configured would have required encroachment to achieve a reasonable building area.

Mr. Larson said the common space is not required in a subdivision of this size, but it is provided with water access for off-water lots (Lot 2 is designated as a common lot). Off-site drainfields are also located on common property as required by the Subdivision Ordinance. While VDOT has not provided final signature, it appears that all items raised in their November 18, 2005 correspondence has been addressed on the plat.

Mr. Geilich made a motion to Approve the Final Subdivision Plat Approval for R. Frederick and Judith J. Baensch (Waterman's Wharf) conditional on posting of a performance bond for road improvements.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

6. Transfer Funds from Capital Improvement to General Fund – LPS Roofing Project – Mr. Pennell said the Board of Supervisors has previously required that

all future transfers from the Capital Improvement Account to the General Fund be specifically approved at a Board of Supervisors meeting. Dr. Latimore has approved an invoice in the amount of \$50,154.00 for payment to Brothers Construction, Inc. for services performed on the Lancaster High School roofing project.

Mr. Jenkins made a motion to approve the expenditures and appropriate \$50,154.00 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

7. January Planning District Commission Meeting - Mr. Pennell stated that annually, the January meeting of the Planning District Commission is held in Lancaster County. This year it will be held beginning at 5:30 p.m., Monday, January 23, 2006.

By consensus of the board have the Northern Neck Planning District Commission quarterly meeting at Rose's Crab Shack and inquire about Tides Inn as an alternate.

BOARD REPORTS

Board of Zoning Appeals

Mr. Beauchamp made a motion to recommend appointment for Thomas Richardson to the Board of Zoning Appeals to represent Lancaster County District 5 to fill an unexpired term ending June 30, 2006.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

Pebble Beach, LLC Final Subdivision Plat Concerns

Mr. Palin said the board approved the Final Subdivision Plat for Pebble Beach, LLC (Chinn’s Mill Woods) at the regular November 28, 2005, Board of Supervisors meeting he asked Mr. Simmons what assurance the board would have that this property would be used for purposes stated and maintained as such. Mr. Simmons said they can only do what is allowed under the zoning ordinance and *further subdivision is not intended.*

Mr. Palin stated he went online and saw lots for sale, the offering further stated that the county ordinance would allow one acre divisions.

Mr. Geilich asked what can be done in a case like this, because it is wrong.

Mr. Larson stated minimum lot sizes in A-2 would need to be changed.

COUNTY ADMINISTRATOR

Mr. Pennell stated on Tuesday, January 3, 2005 there would be a regional Legislative Reception held at the Linden House in Champlain. He said he would be leaving the office at 4:30 p.m. if anyone would like to attend the meeting with Mr. Palin and himself. Mr. Beauchamp and Dr. Russell stated they would like to attend the meeting.

Mr. Pennell said he has the 2006 VACo Legislative Program available if anyone would like a copy to read.

ADJOURNMENT

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

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye