

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 25, 2007.

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

Others

Present: Sean Trapani, Clifton Balderson, and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Randolph Latimore, Lancaster County School Superintendent; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo

The Lancaster High School Air Force Junior Reserve Office Training Corps Color Guard presented the American and Virginia flags. Mr. Geilich led the attendees in the Pledge of Allegiance.

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

**PUBLIC INPUT**

Comprehensive Plan

Mr. Costello stated he was given an opportunity to work with the Planning Commission on the Comprehensive Plan. He said the citizens appreciate the opportunity to make suggestions and thanked the Planning Commission.

### Gift Property from The Tides Inn

Mr. Bill Warren stated he attended the last Planning Commission meeting as they discussed the gift Taylor's Creek Property from the Tides Inn. He suggested putting in an amount of \$10,000 in the FY07 budget to help with the maintenance of the property, designate an agent to draw plans and place the park in the Capital Improvement Budget in FY08. He believes that in FY08 budget funds for an "L" shape pier for small boats could be built for approximately \$40,000.

Mr. Geilich said that the board had discussed the possibilities of citizen committees for both the Taylor's Creek Park and Windmill Point parks. This matter will come before the board of supervisors later this evening.

### **PRESENTATION**

Mr. Pennell introduced Tracy C. Winegar, the new Accounts Administrator for the county.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

#### Six Year Plan

Mr. Trapani asked the board to approve the public hearing for the Six Year Plan on February 22, 2007. It will be properly advertised and the board provided with a copy of the advertisement. He also provided the board with a draft of the plan and conducted a work session on the proposed plan. Some general discussion ensued and Mr. Trapani was authorized to schedule a public hearing for the February 22, 2007 meeting of the Board of Supervisors.

### Traffic Light Study

Mr. Beauchamp asked if the traffic light study for VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road intersection had been reviewed yet.

Mr. Trapani said the request was still in Richmond and had not yet been reviewed.

### Resolution in Support of Merry Point Ferry Replacement

Mr. Pennell stated the Warsaw Residency of the Virginia Department of transportation has made application to the Ferry Boat Discretionary Program in the FY 2007 project cycle. The Board of Supervisors has been asked to endorse this application.

Mr. Jenkins and Mr. Palin made a motion to adopt the following resolution in Support of Merry Point Ferry Replacement:

#### **SUPPORT FOR REPLACEMENT OF AND IMPROVEMENTS TO MERRY POINT FERRY**

**WHEREAS**, the Merry Point Ferry in Lancaster County, Virginia has been serving Virginia's motorists, bicyclists and pedestrians for many years; and

**WHEREAS**, the condition of the existing ferry deteriorates annually despite the regular maintenance performed by the Virginia Department of Transportation; and

**WHEREAS**, the Merry Point Ferry serves Lancaster County both as an eco-tourism attraction and as a daily commuter resource; and

**WHEREAS**, there remain only three free-ferries within the Commonwealth of Virginia.

**NOW THEREFORE BE IT RESOLVED,** that the Lancaster County Board of Supervisors is aware of the Virginia Department of Transportation application for the Ferry Board Discretionary Program in the fiscal year 2007 project applications; and

**BE IT FURTHER RESOLVED,** that the Lancaster County Board of Supervisors offers its full endorsement of this grant application and replacement of the Merry Point Ferry along with associated infrastructure improvements.

**BE IT FURTHER RESOLVED,** that the Lancaster County Board of Supervisors asks its legislative delegation, both state and federal, to take whatever action is necessary to facilitate and approve this grant application.

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

Wal-Mart Traffic Study

Mr. Jenkins stated while he is pleased that Wal-Mart is coming to Kilmarnock, he does not believe an adequate traffic study has been done. He asked VDOT staff to review the traffic and help in any way they can.

Mr. Geilich said it's not just Wal-Mart traffic, but the other retailers that will surely follow.

Dr. Russell stated that the Wal-Mart traffic study was inadequate. The board currently has a request for a traffic light study for the intersection of VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road. There is an increased problem at that intersection with the expected Wal-Mart traffic.

## **PUBLIC HEARINGS**

1. 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 existing Town of Kilmarnock sewage treatment infrastructure approximately 700 feet from the Town to this property located in the county. This property is off VSH 1036, Harris Road, near Kilmarnock, Virginia in Voting District 4.

Mr. Larson stated this application was disapproved on December 29, 2005 primarily because approval might set a precedent for forcing boundary line adjustments that might otherwise not be acceptable to the County. Recent approval of a boundary line adjustment put forth by Kilmarnock would place the subject property within the town limits of Kilmarnock. Given there is additional time and work to formalize the boundary line adjustment, approval would permit Mr. West to initiate the process of obtaining municipal water and wastewater treatment services from Kilmarnock. It would also be consistent with the consideration recently given the Wiley Development Center which is also presently within the County but will be in the Kilmarnock town limits upon formalization of the boundary line adjustment.

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 input from one property owner regarding the hearing of the issue.

Chairman Geilich opened the public hearing.

Mr. West said he worked closed with the Planning Commission and the Town of Kilmarnock and thanked them for their time and consideration.

Chairman Geilich closed the public hearing.

Dr. Russell made a motion to approve the 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 into the County of Lancaster.

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

**CONSENSUS DOCKET**

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

- A. Minutes for December 28, 2006 and Organizational Meeting December 28, 2006

Recommendation: Approve the minutes.

- B. Board of Zoning Appeals Report of Activity

Recommendation: Accept the report as submitted.

- C. Wetlands Board Activity Report 2006

Recommendation: Accept the report as submitted.

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of January 2007 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for January 2007 in the amount of \$176,562.10 and Invoice Listings for January 2007 in the amount of \$993,237.65.

2. Request for Consent on Transfer of Franchise Agreement – Commonwealth

Cablevision – Mr. Pennell stated he recently received a letter from Mr. L. Christopher Noland, representing First Commonwealth Cablevision as it acquires funding to upgrade and expand its company operations. Mr. Noland's letter asked the Lancaster County Board of Supervisors to provide a written consent granting an assignment to Branch Banking and Trust Company in the event of default by First Commonwealth Cablevision.

Mr. Jenkins stated First Commonwealth Cablevision or its predecessor has not performed well. They have left thousands of our residents without the benefit of cable television and without future services that cable could bring. There were no requirements placed on the cable company to cable 100% of the county. Right now the county can not get service extensions because of some disagreement between Northern Neck Electric Co-op and Cablevision. He said in ten years there has been one tower erected in Mollusk which could serve approximately 300 residents.

Dr. Russell asked how many years were left on the franchise.

Mr. Jenkins stated there were five years left on the franchise. While he thinks it's appropriate to allow the cable company to do their funding, he believes that the board should use this opportunity to voice its concern and let Cablevision know how displeased it is with their services.

Mr. Geilich suggested that the Finance/Steering Committee meet with First Commonwealth Cablevision executives and their attorney.

Mr. Jenkins said the cable company has never been forthcoming and needs to sit down with county officials and explain why the citizens of this county are not receiving the services.

Mr. Beauchamp said he would like to know if there are negotiations to sell First Commonwealth Cablevision. No one knew of any effort to sell the company.

By consensus of the board, Mr. Pennell was asked to schedule a meeting with First Commonwealth Cablevision to get an explanation as to the lack of services being provided to our residents.

3. Reassessment of Real Estate Values – Effective January 1, 2008 – Mr. Pennell said the last Lancaster County general reassessment of real estate values was effective on January 1, 2004. Utilizing the statutory requirement of four-year reassessments, it is time to issue a request for proposals to consider vendors to conduct Lancaster County’s next general reassessment.

Mr. Pennell stated he has had some preliminary conversations with Mr. Sonny Thomas, Lancaster County’s Commissioner of the Revenue, regarding the contents of any RFP issued for reassessment of real estate. Any RFP issued will have the concurrence of Mr. Thomas and Mr. Pennell before it is advertised. The bids will be evaluated and returned to the Board of Supervisors at a future meeting for the contract approval.

Mr. Palin made a motion to authorize the county administrator to prepare and issue a request for proposals to receive bids from interested assessors.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye



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

**BOARD REPORTS**

Emergency Services Chief – National Hurricane Training Center

Mr. Geilich said the board is honored that Scott Hudson, Chief of Emergency Services had been chosen to attend the Hurricane Training Center in Miami, Florida.

In addition, the annual report on the activities of the county’s emergency medical services indicated the average response time for service is 9.4 minutes, which is excellent for a rural county.

Mr. Geilich wanted to publicly commend Mr. Hudson on the excellent job he has done.

Appointment

Mr. Beauchamp made a motion to reappoint Stephen A. Daum to the Northern Neck Regional Disability Services Board as a governmental representative a three-year term expiring December 31, 2009.

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

### Taylor's Creek Park

Dr. Russell said he is pleased that the Tides Inn gave the county the property adjoining Taylor's Creek and now there is additional public access to the water. Rather than paying someone to design the layout of the park, maybe the county could get some pro-bono work. Perhaps a design competition through the high school, because we have some talented students, would result in a plan that could be implemented by the county.

### Thanks to the Former Board Chair

Mr. Geilich thanked Mr. Jenkins for his mentoring over the years and stated he again did an excellent job as chairman of the board of supervisors.

### **COUNTY ADMINISTRATOR REPORT**

None.

### **CLOSED SESSION**

Motion was made by Mr. Jenkins to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting is Real Property, §2.2-3711.A.3 of the Code of Virginia and Personnel Matters, §2.2-3711.A.1 of the Code of Virginia. The purpose of the closed meeting is to discuss acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position and to discuss candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 and §2.2-3711.A.1 of the Code of Virginia.

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

**RECONVENE**

Motion was made by Mr. Palin reconvene open meeting and certification of closed meeting.

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Real Property for the purpose to discuss acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County’s bargaining or negotiating position in accordance with §2.2-3711.A.3 of the Virginia Freedom of Information Act; and Personnel Matters for the purpose to discuss candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees in accordance with §2.2-3711.A.1 of the Virginia Freedom of Information Act;

**WHEREAS**, §2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

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

Motion was made by Dr. Russell to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further statement, Mr. Geilich called the question. A roll call vote was taken:

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

This certification resolution is adopted.

**ADJOURNMENT**

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

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