

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 31, 2005.

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

Others

Present: Paul Lee, Robinson Farmer Cox; Jack Larson, Planning/Land Use;
Carter White, Robert Harper, and Billy Douglas, Virginia
Department of Transportation; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

PUD Forum

Bruce Burgess stated he read an article two weeks ago in the Rappahannock Record in which it was suggested by Mr. Palin that the board consider holding a forum for educating the public on the PUD. He said Mr. Geilich could have an opportunity to clear up what he calls, “a gross misunderstanding of the project”.

Mr. Geilich stated that was not a direct quote.

Mr. Burgess asked if the board has set a date for the forum yet.

Mr. Jenkins stated the board has not pursued that yet.

Mr. Palin said the board has not pursued the issue yet, but the intention is there.

PRESENTATION

1. Resolution in Appreciation of the 2004 Lancaster County Board of Equalization of Real Estate Assessments – Mr. Pennell stated at the end of 2004, the Lancaster County Board of Equalization of Real Estate Assessments completed its assigned task of equalizing the appeals of the 2004 county-wide reassessment of real estate values. The Board of Equalization has submitted a final report of its work and recommendations for future reassessments of county real estate.

Mr. Pennell read the resolution in appreciation and said that each member of the Board of Equalization and Mrs. Lynn Larson, the board's secretary will receive a personal, framed copy of the resolution.

Mr. Beauchamp made a motion to adopt the following Resolution in Appreciation of the 2004 Lancaster County Board of Equalization of Real Estate Assessments.

IN APPRECIATION - 2004 LANCASTER COUNTY BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

WHEREAS, the Code of Virginia, 1950, as amended, requires each county and city in the Commonwealth of Virginia to conduct routine reassessments of the value of real estate in said counties and cities; and

WHEREAS, Lancaster County, Virginia, conducted a county-wide reassessment of real estate values effective January 1, 2004; and

WHEREAS, the Code of Virginia requires the appointment of a Board of Equalization of Real Estate Assessments, approved by the Judge of the Lancaster County Circuit Court; and

WHEREAS, Mr. Richard S. Krolak, Mr. Henry S. Cathey, Mr. William I. Barrack, Jr.; Ms. Anita Sanders and Mr. John C. Fitzpatrick were recommended to and appointed by Judge Harry T. Taliaferro, Jr. to the Lancaster County Board of Equalization of Real Estate Assessments; and

WHEREAS, Mrs. Lynn Larson was appointed Secretary to the Lancaster County Board of Equalization of Real Estate Assessments; and

WHEREAS, the Lancaster County Board of Equalization of Real Estate Assessments conducted twenty-seven hearings in 2004 in which two hundred fifty-nine appeals were heard.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors expresses its heartfelt appreciation to Messrs. Krolak, Cathey, Barrack, Fitzpatrick, Ms. Sanders and Mrs. Larson for their dedication to the enormous task before them and the professional, fair and timely manner in which they performed their duties; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors receives the final report of the Board of Equalization of Real Estate Assessments and will favorably consider its contents for future county-wide reassessments.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

2. FY 04 Audit Presentation – Robinson, Farmer, Cox – Mr. Paul Lee stated the audit went well this year with good cooperation from all the county departments and agencies involved. He stated this is the second year that Lancaster County has preformed under GASB34 format. The tax collection percentage is almost 100%.

Mr. Geilich stated that on the public works comparison between 2003/04 there was approximately a 50% increase. Why was there such a large increase?

Mr. Pennell said the increase was due to the dump fire and Hurricane Isabel.

Mr. Geilich said under liabilities on the school board column, there was just over one million dollars.

Mr. Lee stated that figure is the salaries for summer months of ten month employees.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Merry Point Ferry

Mr. White stated the Merry Point Ferry has been down since February 22, 2005 and should operational by next week. He said after doing some research, over the past five years the ferry has been down 290 days; however, 110 days were due to hurricane damage. Mr. White is working to replace the current ferry with a four car ferry and checking with manufacturers to get an estimated cost. There are only two cable ferries in the state of Virginia. He requested that the Board of Supervisors prepare a resolution in support of replacing the ferry.

Speed Study Procedure

Mr. Hill asked Mr. White about the process for requesting a speed study in the county.

Mr. White stated the board simply requests a speed study; however, the board member needs to specify the section or portion of a road for the request.

Mr. Pennell stated Mr. White would need to take Mr. Hill around the county on a tour and point out projects that VDOT are currently involved with and future project.

Six Year Plan Preliminary Hearing

Mr. White said the preliminary hearing for the Draft Six Year Plan is on the website and the video conference will be held April 19, 2005 at 5:00 p.m. He urges the Board of Supervisors to attend and/or send a letter requesting that the Route 3 project be put back on the plan.

Mr. Pennell stated the Board of Supervisors and the Northern Neck Planning District Commission will send letters of support.

New Operations Manager

Mr. Harper introduced Billy Douglas the new Operations Manager at the Brookvale office. He has lived in the county for ten years

Avis Trail

Mr. Harper stated that Avis Trail would paved by next month.

Maintenance

Mr. Harper said they are patching potholes throughout the county. They are picking up litter and currently working to address this issue. Before the subcontractors do their first mow, they will pick up litter.

Mr. White stated they pick up on the primary before every cut and maybe they can see if that can be done on secondary roads. He explained that it's getting harder to use inmates to pick up litter because of all the different rules.

Mr. Hill asked how was road paving determined?

Mr. Carter stated done according to which is more important on the primary system first and then the secondary system.

Mr. Jenkins stated if there's ever a problem with drainage, removal of foliage, etc. call the local VDOT.

PUBLIC HEARING

None

CONSENSUS DOCKET

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

A. Minutes for February 15, 2005, February 24, 2005, and March 14, 2005

Recommendation: Approve the minutes with amendments to
February 24, 2005

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

B. Junior Firefighters – Authority to Participate in all Activities of a Volunteer Fire Company

Recommendation: Authorized the County Administrator to prepare an Ordinance and hold public hearing April 28, 2005

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

C. Appointment to the Northern Neck Community Criminal Justice Board

Recommendation: Accept Resignation of Jerry Copley and Reappoint Tonya Creasy

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2005 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for March 2005 in the amount of \$154,691.27 and Invoice Listings for March 2005 in the amount of \$403,233.45.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

2. Chesapeake Trail – Mr. Pennell said the Northern Neck Audubon Society has asked the Board of Supervisors to consider a name change for the Chesapeake Trail now located on county property at the junction of Mary Ball Road and the Western Branch of the Corrottoman River. The Audubon Society feels that Chesapeake Trail is no longer an appropriate name, because most of the old trail no longer exists. They are looking at the following suggested names for the new trail: Courthouse Trail, Sawmill Trail, or Fallen Oak Trail.

By consensus the Board, have the Northern Neck Audubon Society make a specific name change request and the reason.

3. Glenn P. and Dorothy B. Beane – Request for Bay Act Waiver – Mr. Larson stated Mr. and Mrs. Beane requested a Bay Act Waiver to place a single-family residence inside the 50’ seaward component of the 100’ protective buffer. Their request was considered and a public hearing held at the February 24, 2005 meeting. The request was continued with the understanding that the Beanes would look at alternatives that would take all impervious cover outside the 50’ seaward component of the 100’ protective buffer. Subject property is in the Corrotoman by the Bay Subdivision in Voting District 1.

Mr. Larson said a letter was sent to Mr. and Mrs. Beane summarizing the determination of the Board of Supervisors at the February 24, 2005 meeting. A revised site plan dated March 7, 2005 was submitted in response that took all impervious cover outside the 50' seaward component of the 100' protective buffer. On that basis consistent with current policy, Mr. Larson conducted a review of the resubmitted site plan, and subject to minor corrections, found it to be satisfactory.

Mr. Larson stated no further action on this request and it now be done administratively.

Mr. Jenkins made a motion to disapprove original request and have this request handled administratively.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

4. White Hall Farm Subdivision – Preliminary Sketch – Mr. Larson said as permitted by Article 6-1 of the Lancaster County Subdivision Ordinance, applicant is requesting guidance as to whether or not the proposed subdivision is “in general in accordance with the requirements of the Subdivision Ordinance”. The proposed subdivision is off VSH 625, Whitehall Road, and VSH 689, Courtney Road in Voting District 1.

Mr. Larson said a review of this plat has been conducted, and it was determined that it met all requirements for preliminary plat approval with the exception of a traffic impact study (required for ten or more lots) and covenants (required to set terms for management of common area). It is understood that

VDOT is conducting their review if they have not already completed it, covenants are being prepared, and the plat has been submitted to the Health Department for their review of proposed drain field locations. Subject to any issues that may be raised by the Board of Supervisors at this consideration of the plat, it should be ready for both preliminary and final approval consideration the next time it is put forth.

Mr. Beauchamp stated he would not discuss this matter or vote because of a potential Conflict of Interest.

By consensus of the Board, move forward with the preliminary and final sketch.

5. Baensch Subdivision – Preliminary Sketch – Mr. Larson said as permitted by Article 6-1 of the Lancaster County Subdivision Ordinance, applicant is requesting guidance as to whether or not the proposed subdivision is “in general in accordance with the requirements of the Subdivision Ordinance”. This proposed subdivision is off VSH 695, Windmill Point Road, and VSH 661, Antirap Drive, in Voting District 3.

Mr. Larson stated this proposed subdivision is actually a combination boundary line adjustment and subdivision resulting in thirteen new or reconfigured building lots. All newly created lots are complaint in terms of area and waterfront. A 50’ right of way depicting an interior subdivision road will be built to VDOT standards. The Board may wish to require as a condition of approval that an additional 10 feet of right of way along VSH 661, Antirap Drive, be dedicated for public use to allow possible future improvement to VDOT standards.

By consensus of board, the preliminary sketch looks good for the Baensch Subdivision and they are on the right track to continue forward.

6. Appointment of Lancaster County Building Official – Stephen A. Daum – Mr. Pennell stated the Stephen Daum, Lancaster County Building Inspector has qualified as a Virginia Certified Building Official.

Mr. Pennell said the county administrator has been acting as building official for Lancaster County since the departure of Michael Grigsby in June 1999. While this has been a rewarding experience for the county administrator, it is properly held by another qualified member of the county administrative staff.

Mr. Pennell stated Mr. Daum has proven himself to be a knowledgeable and capable building inspector and has become qualified to be a building official; and recommend the Board of Supervisors appoint Mr. Daum to this position.

Mr. Palin made a motion to appoint Stephen A. Daum to serve as Lancaster County's building official and appoint the county administrator to act in the absence of Mr. Daum.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

BOARD REPORTS

Appointments

Mr. Geilich made a motion to reappoint Tara Booth to the Planning Commission to represent Lancaster County District 3 for a four year term which expires April 25, 2009.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Jenkins made a motion to reappoint Robert Smart to the Planning Commission to represent Lancaster County District 1 for a four year term which expires May 31, 2009.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Palin made a motion to reappoint Myna Acors to the Historic Resources Commission to represent Lancaster County District 2 for a three year term which expires May 1, 2008.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

Chesapeake Bay Act

Mr. Jenkins stated the county has been considering several difficult issues with the Chesapeake Bay Act that are not currently in our ordinance. He believes the county is right on most of issues and we have consistently have done better in managing

development than this overall piece of legislation will require. He believes the county is about to spend a great deal of taxpayer money on litigation they we will lose. The bay would be better served if the Lancaster County approach was permitted by CBLAB because we now require Best Management Practices (BMP) for the entire project which does better for the bay than merely requiring BMPs on new development. He believes it's unfair because we have citizens who have owned pre-bay act lots that will now be less valuable to them and in some case nearly unusable.

Mr. Jenkins made a motion to direct the county administrator to end further litigation related to the attorney general's office and bring this ordinance amendment forward from the Planning Commission to the board for public hearing at the May meeting.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

COUNTY ADMINISTRATOR

Bike Path

Mr. Pennell said the county asked for \$336,000 to finish for the bike path between Kilmarnock and Irvington and was awarded \$84,000. He said Irvington was awarded \$148,000 for restoration of the Pilot House at the Steamboat Potomac and Kilmarnock was awarded \$268,000 of the 1.4 million requested for streetscape improvements.

Courtroom Security

Mr. Pennell stated after working with the judges, commonwealth attorney, and sheriff's office, have determined the side door could be used for prisoner access in order to improve security with minimal cost. Because the jury box is never in use, plexiglas will enclose that area for inmates.

By consensus of the board, go forward with the work.

CLOSED MEETING

Motion was made by Mr. Geilich to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matter to be discussed in the closed meeting is the acquisition or disposition of real property. The purpose of the closed meeting is the acquisition or disposition of real property for public purposes where public discussion would jeopardize the County's or Town's bargaining or negotiating position. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye

RECONVENE

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

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	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 acquisition or disposition of real property for public discussion would jeopardize the County’s or Town’s bargaining or negotiating position in accordance with §2.2-3711.A.3 of the Virginia Freedom of Information Act;

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

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

Motion was made by Mr. Jenkins 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 mater and why in your judgment it was a departure. There was no comment.

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

VOTE: F.W. Jenkins, Jr. Aye

Peter N. Geilich	Aye
B. Wally Beauchamp	Aye
Lloyd N. Hill	Aye
Ernest W. Palin, Jr.	Aye

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting to Wednesday, April 13, 2005 at 5:00 in the General District Courtroom for a School Board Budget Work Session.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye
	Ernest W. Palin, Jr.	Aye