

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, April 28, 2016.

- Members Present: William R. Lee, Chairman
Ernest W. Palin, Jr., Vice Chair
F. W. Jenkins, Jr., Board Member
Jason D. Bellows, Board Member
B. Wally Beauchamp, Board Member
- Staff Present: Frank A. Pleva, County Administrator
Don G. Gill, Planning and Land Use Director
Crystal Whay, Building/Land Use Secretary

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

PUBLIC INPUT

Mr. Charlie Costello, a District 2 citizen, stated that he was pleased with the new County website and thought it was a big improvement. He stated that Glenn Rowe had done a good job.

Mr. Ken Knull, a District 1 citizen, stated that he wanted to thank the Board for eliminating the boat tax for vessels five tons and over. He stated that he is seeing an improvement in his business and he knows that some of the marinas are looking to hire new employees. He stated that he hoped the Board would consider eliminating the rest of the boat tax as well.

Mr. Knull stated that the other subject he wanted to mention was the derelict houses in the County. He stated that he has noticed a lot of vacant houses with overgrown vegetation that are eyesores. He stated that if we want more people to come to the County, these houses should be taken care of. He stated that he would like the Board to consider something to do about these houses.

PRESENTATIONS

1. Resolutions Recognizing State Wrestling Champions Sam Bouis and Adam

Wilmore and State Runner-Up Kenique Stewart

Mr. Gill read the resolutions and they were presented by Mr. Lee.

**Recognizing Adam Wilmore
Virginia Wrestling Association
Elementary and Middle School
State Champion**

Whereas, Adam Wilmore is an eighth grader at Lancaster Middle School and has been wrestling with the middle school team since his third grade year; and

Whereas, Adam Wilmore was undefeated during the 2016 wrestling regular season with 5 wins, all by pins; and

Whereas, Adam Wilmore placed fifth in the Middle School Division of the National High School Coaches Association National Wrestling Championships to earn the Future All-American honor; and

Whereas, Adam Wilmore went unbeaten with four pins to win the gold medal finishing first in the 13 and 14 year old, 210 pound weight division of the 2016 Virginia Wrestling Association Elementary and Middle School State Championship Tournament;

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication, determination and accomplishments of Adam Wilmore, culminating as the Elementary and Middle School State Champion of the Virginia Wrestling Association Tournament of 2016; and

Be It Further Resolved, that the Board of Supervisors of Lancaster County hereby expresses its admiration to Adam Wilmore of the Lancaster Middle School Wrestling Team for the laudatory accomplishments that he attained this year, especially for being an Elementary and Middle School State Champion and a future All-American; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Jenkins made a motion to Adopt the Resolution Recognizing Adam Wilmore.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye

F. W. Jenkins, Jr.	Aye
Jason D. Bellows	Aye
B. Wally Beauchamp	Aye

Recognizing Kenique Stewart Group 1A 152-Pound Division Wrestling State Runner-Up

Whereas, Kenique Stewart is a senior at Lancaster High School and a highly accomplished and decorated member of the high school wrestling team; and

Whereas, Kenique Stewart is a four-time Conference Champion, a two-time Regional Champion, a three-time State Qualifier, Gold Medalist at the Washington and Lee Montrossity, Lancaster Duals, Franklin Duals, Lafayette Ram Rumble and Silver Medalist at the Manchester Invitational; and

Whereas, Kenique Stewart has a career high school record of 128 wins with 66 pins, and was 39-3 with 23 pins during the 2016 wrestling season; and

Whereas, Kenique Stewart won the Silver Medal finishing second in the Group 1A 152-Pound Division of the Virginia High School League's 2016 Wrestling Championship Tournament, following his State Championship last year and a third place finish in 2014;

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of Kenique Stewart, for finishing as the State Runner-Up in the Virginia High School League's Group 1A 152-Pound Division of the State Wrestling Championship Tournament of 2016; and

Be It Further Resolved, that the Board of Supervisors of Lancaster County hereby expresses its admiration to Kenique Stewart of the Lancaster High School Wrestling Team for the laudatory accomplishments that he attained during his wrestling career, especially for winning Bronze, Gold and Silver Medals, respectively, at the State Tournament the last three years; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Jenkins made a motion to Adopt the Resolution Recognizing Kenique Stewart.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Recognizing Samuel Bouis Group 1A Heavyweight Division State Wrestling Champion

Whereas, Samuel Bouis is a senior at Lancaster High School and has been wrestling for twelve years, starting in first grade as part of the Lancaster Youth Wrestling Team in the Southern Virginia Wrestling League, where he won five league championships by his eighth grade year; and

Whereas, Samuel Bouis is a highly accomplished and decorated member of the high school wrestling team with a career high school record of 122 wins with 85 pins, and was 33-1 with 21 pins during the 2016 wrestling season; and

Whereas, Samuel Bouis is a four-time Conference Champion, a three-time Regional Champion, a four-time State Qualifier, Gold Medalist at the Washington and Lee Montrossity, Lancaster Duals, Lancaster Quads, Franklin Duals, Manchester Invitational and the Virginia Challenge Wrestling's Super States and Silver Medalist at the Lafayette Ram Rumble and a two-time All-American at the National High School Coaches Association National Wrestling Championships; and

Whereas, Samuel Bouis won the Gold Medal finishing first in the Group 1A Heavyweight Division of the Virginia High School League's 2016 Wrestling Championship Tournament, his second consecutive State Championship, following his Runner-Up finish in 2014;

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of Samuel Bouis, which resulted in the Heavyweight Division Championship of the Virginia High School League's Group 1A State Wrestling Championship Tournament of 2016; and

Be It Further Resolved, that the Board of Supervisors of Lancaster County hereby expresses its admiration to Samuel Bouis of the Lancaster High School Wrestling Team for the laudatory accomplishments that he attained during his wrestling career, especially for being a two-time State Heavyweight Champion and a two-time All-American; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Beauchamp made a motion to Adopt the Resolution Recognizing Sam Bouis.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

2. Resolution Recognizing Indoor Track State Runner-Ups Kelvin Clayton, Shawn Sutton and Zac Benton

Recognizing Kelvin Clayton, Shawn Sutton and Zac Benton Lancaster High School Indoor Track State Runner-Ups

Whereas, the 2016 Lancaster High School Boys Indoor Track Team qualified for the Virginia High School League Division 1A/2A State Championship Meet; and

Whereas, the 2016 Lancaster High School Boys Indoor Track Team finished fourth in the Virginia High School League Division 1A/2A State Championship Meet with three Individual State Runner-Ups; and

Whereas, the 2016 Lancaster High School Boys Indoor Track Team was coached by Draper Washington and James Timm and consisted of the following student athletes with their state accomplishments:

Kelvin Clayton - State Runner-Up Long Jump, 3rd Place Triple Jump;
Shawn Sutton - State Runner-Up Triple Jump, 8th Place Long Jump;

Zac Benton - State Runner-Up 1000 meters, 4th Place 4 x 800 meters; 7th Place 4 x 400 meters;

Patrick Kelley - 3rd Place 500 meters, 4th Place 4 x 800 meters; 7th Place 4 x 400 meters;

Divaris Redmond - 4th Place 4 x 800 meters; 7th Place 4 x 400 meters;

Wyatt McCranie - 4th Place 4 x 800 meters;

Chris Dameron - 7th Place 4 x 400 meters;

Traven Rice - 7th Place 55 meter hurdles;

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of, and expresses its admiration to, the 2016 Lancaster High School Boys Indoor Track Team for the laudatory accomplishments attained this season finishing fourth in the Virginia High School League Division 1A/2A State Championship Meet with three Individual State Runner-Ups; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Palin made a motion to Adopt the Resolution Recognizing the Indoor Track State Runner-Ups.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

3. Resolution Recognizing the State Runner-Up Lancaster High School Boys Basketball Team

Recognizing the 2016 Lancaster High School Boys Basketball Team

Whereas, the 2016 Lancaster High School Boys Basketball Team was Conference 43 Regular Season and Tournament Champions and finished third in the Region 1A East Tournament, qualifying for the Virginia High School League Division 1A State Championship Tournament; and

Whereas, the 2016 Lancaster High School Boys Basketball Team finished their season with 23 wins and 5 losses, culminating as the Virginia High School League Division 1A State Runner-Up; and

Whereas, the 2016 Lancaster High School Boys Basketball Team was led by Head Coach Tim Rice, Assistant Coaches Troy Henderson and Jason Williams, Managers Mark Saunders and Jemele Smith and consisted of the following student athletes:

# 30	Dwayne Ball	Forward
# 11	Santese Ball	Guard/Forward
# 12	James Coleman	Forward
# 21	Martez Davis	Forward
# 3	Jay Dillon	Guard
# 2	Darrian Doggett	Guard
# 4	Elijah Haynes	Guard
# 1	Calvin Henderson	Center/Forward
# 24	Rasul Henderson	Guard
# 5	Trevon Henderson	Forward
# 20	Marcus Lee	Guard
# 10	Jahlil Nickens	Guard/Forward
# 23	Jamil Redmond	Forward

Now, Therefore Be It Resolved, that the Board of Supervisors of Lancaster County hereby recognizes the exemplary dedication and determination of, and expresses its admiration to, the 2016 Lancaster High School Boys Basketball Team for the laudatory accomplishments attained this season culminating as the Virginia High School League Division 1A State Runner-Up; and

Be It Finally Resolved, that a copy of this resolution expressing the sense of the Board of Supervisors of Lancaster County on this matter be conveyed to the Lancaster County School Board, the Lancaster High School Athletic Director and be spread upon the meeting minutes of said Board of Supervisors.

Mr. Bellows made a motion to Adopt the Resolution Recognizing the Lancaster High School Boys Basketball Team.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. David Brown, Resident Engineer for the Northern Neck, stated that he handed out information concerning the Secondary Six-Year Plan. He stated that this time of year, per the Code of Virginia, he is required to meet with all of the counties within the Northern Neck Residency to go over the Secondary Six-Year Plan. He stated that the purpose of the plan is to identify potential projects within the secondary road system that the Board may wish to address. He stated that there are different funds that are identified for each county and those funds may be used for various road improvements, such as resurfacing or adding turn lanes.

Mr. Brown stated that he had listed on the handout the current unpaved roads in the County and stated that the four highlighted roads have a fifty vehicle or greater daily count and explained the different fees that could be used for those roads as opposed to unpaved roads with less traffic.

Mr. Brown stated that his purpose this evening was to present the information to the Board and he would like to have the public hearing on the Secondary Six-Year Plan in May. He stated that other projects may be added later by resolution if the Board chooses.

Mr. Jenkins thanked Mr. Brown for the quick response on the Chinns Mill box culvert repair.

Mr. Jenkins referred to the unpaved roads list, specifically Field Trial Road, and stated that the road is not in his district, but he is familiar with the road and it is the first detour that you get to when coming into Lancaster County, in case there was trees down or an accident near the Lively area. He asked Mr. Brown if he would look into Field Trial Road being on the paved road list, even though it does not carry a lot of cars within one day. He stated that the road has potential to carry a lot of vehicle traffic if it was to be used as a detour.

Mr. Brown stated that Field Trial Road carries about twenty vehicles per day and he would look into Mr. Jenkins' request.

Mr. Bellows referred to Boys Camp Road and stated that he had asked about estimates on widening the road and addressing the drainage issues.

Mr. Brown replied that he thought he had already presented that information, but would look into it.

Mr. Lee stated that the ditches had been cleaned out on Boys Camp Road, but that was all he knew had been done.

Mr. Beauchamp made a motion to set a public hearing on the Secondary Six-Year Plan at the regular meeting in May.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Brown referred to normal operations and stated that the crews are working on ditch maintenance, pipe repairs, cutting back vegetation and will begin mowing next week.

Mr. Brown referred to the Norris Bridge and stated that there is a permanent repair for the decking scheduled for next Tuesday through Thursday, May 3-5. He stated that the work will be overnight and one lane for traffic will remain open.

Mr. Brown stated that surface treatment work will begin soon and the schedule will be forwarded to Mr. Pleva as soon as it is received.

Mr. Lee referred to the Norris Bridge and asked if Mr. Brown knew the last time the pilings had been inspected underwater and the results of that inspection.

Mr. Brown replied that he did not have that information, but would find out.

Mr. Bellows referred to the Norris Bridge and asked if Mr. Brown would get some information on when the bridge painting and decking replacement would happen.

Mr. Brown replied that he would get that information and report back to the Board.

PUBLIC HEARING

1. Amendments to the Zoning Ordinance Article 2-Districts, Article 3-Agricultural Limited District A-1 and Article 4-Agricultural General A-2

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was to review the proposed amendments to three of the Articles of the Zoning Ordinance. He stated that one concurrent public hearing may be held for all three related districts, but a separate vote is required for each Article. He stated that the Planning Commission has unanimously forwarded each Article to the Board of Supervisors recommending approval of the proposed amendments.

Mr. Gill stated that the Comprehensive Plan states that following the completion of the comprehensive plan update, the County will undertake a review of the zoning ordinances to identify any provisions that negatively impact desired development patterns. He stated that 2007 was the last time that the zoning ordinance was reviewed. He stated that, at that time, many permitted uses that were more commercial than agricultural in nature or could consume large amounts of farmland or forested land were removed from the agricultural districts. He stated that staff does not feel that a further reduction of permitted uses is needed. He stated that A-1 is the more restrictive of the two districts. He stated that approximately fifty percent of the County is zoned A-2 and approximately ten percent is zoned A-1.

Mr. Gill stated that he wanted to summarize some of the proposed changes to the Articles. He referred to Article 2 and stated that it is basically a title page for the districts in the zoning ordinance. He stated that the R-2 District was repealed in June 2005 and language was added to reflect that. He stated that the title page did not reflect our Residential Community, R-4 or the Rural Village Overlay District, RV-1 so language was added for those items. He stated that the Historic Resources District did not have an acronym, so H-1 was added for that.

Mr. Gill stated that Article 3 was the A-1, Agricultural Limited District and the first highlighted use was sawmills. He stated that the current permitted use states "portable sawmills for temporary logging operations with a special exception." He stated that the Planning Commission felt that portable sawmills should be by-right, at least for a certain period of time, and they suggested fifteen days of operation and if exceeding that time period, then they would need a special exception.

Mr. Jenkins stated that being a son of a man who had a portable sawmill, he would like to address that use.

Mr. Gill stated that allowing the use by right for fifteen days would be less restrictive than it is now. He stated that he had received a call that suggested it should be longer than fifteen days.

Mr. Jenkins stated that he thought the by-right use should be longer than the suggested fifteen days.

Mr. Gill stated that the next revised use was cemeteries. He stated that during the last review in 2007, it was pre-recession and there was considerable growth going on at that time. He stated that he thought the feeling at that time was to restrict

cemeteries more by having more family cemeteries. He stated that a church is a permitted use in A-1 and A-2 and it is a reasonable assumption that a church will have a cemetery. He stated that he did not see how a church could be restricted to just having a family cemetery, so the Planning Commission felt that the word “family” should be removed from the permitted use. He stated that will be less restrictive than what is currently allowed.

Mr. Gill stated that the next highlighted use is accessory structures. He stated that this use has been an issue for the last ten years. He stated that as the zoning ordinance currently reads, if a citizen wants to install an accessory structure that is taller than the main structure, it cannot be done. He stated that he has had several cases with people with one-story homes that wanted to place taller accessory structures on their property, but it is prohibited. He stated that the Planning Commission tried to find a way to let citizens do this and give their neighbors some say in the process if they choose. He stated that the Planning Commission thought that having the special exception process, if citizens wanted a larger accessory structure than their main structure, would be a good compromise.

Mr. Gill stated that the next highlighted use was for kennels. He stated that the Planning Commission felt that a kennel with a special exception was a reasonable use for an agricultural district. He stated that, at the present time, a kennel is only permitted in the commercial and industrial zones. He stated that he had a request for a dog boarding facility, but found they could not have one the way the districts are currently zoned. He stated that the Planning Commission felt that agricultural districts, where homes are situated further away from each other, would be appropriate for kennels, with a special exception, so that neighbors could have a voice in the decision if they chose.

Mr. Gill stated that the last use was for roadside stands with a special exception. He stated that it was allowed in the A-2 District, but not in the A-1 District. He stated that the Planning Commission felt that it should be allowed in both agricultural districts.

Mr. Gill stated that the next change deals with height regulations. He stated that the current language simply states the same as Section 5-6. He stated that the Planning Commission felt that the regulations should be spelled out. He stated in Section 3-6-3, agricultural buildings were not in the language, but are exempt under the building code, so the Planning Commission thought they should be. He referred to Section 3-6-4 and stated that the sentence “all accessory buildings shall be less than the main building in height” was stricken since language was proposed in the permitted uses to permit that with a special exception.

Mr. Gill referred to Article 4, the Agricultural General A-2 District, and stated that sawmills, cemeteries, kennels and building height requirements are now proposed to be the same in A-1 as they are in A-2. He stated that the one difference between the two agricultural districts is that a community service building is currently a by-right

permitted use in the A-2 District. He stated that the Planning Commission felt that it should be with a special exception, since other community service buildings such as firehouses and rescue squads also require special exceptions.

Mr. Gill stated that advertising had been conducted as required by law and other than the discussion at the prior Planning Commission meetings, he had heard from only one citizen.

Mr. Lee opened the public hearing.

Mr. George Bott, a District 2 citizen, stated that he had some comments on the proposed changes to Article 4. He stated that almost half of the land in Lancaster County is zoned A-2. He stated that the actions taken by the Board in 2007 diminished business opportunities in almost half of the County. He stated that no longer allowed in A-2 were motels, golf courses, antique shops with special exceptions, post offices with special exceptions, hospitals with special exceptions, sales platforms and commercial boat landings with special exceptions. He stated that three of the current Board members, Jenkins, Palin and Beauchamp, voted then to reduce business opportunities for Lancaster residents. He stated that another term used when government increases land restrictions is called a "taking". He stated that removing the commercial boat landings was particularly egregious. He stated that by the Board's actions a new marina or yacht club is now only allowed in M-1. He stated that recently the Board rezoned M-1 parcels on Carters Creek to R-1, further restricting access to the water for new businesses and clubs.

Mr. Bott referred to sawmills and stated that he had a sawmill on his lot for two months making custom lumber for his home and further stated that he thought the fifteen day limitation was pretty severe.

Mr. Bott referred to accessory buildings and stated that the changes being proposed were not quite fair for one story home owners, such as himself.

Mr. John Hollowell, a District 2 citizen, stated that he was in support of the proposal to allow dog kennels in the agricultural zones. He stated that he had considered opening a dog kennel and was surprised to see that they were only allowed in commercial and industrial zones. He listed reasons for his opinion including that pet owners would probably prefer their pets being taken care of in an agricultural setting. He asked that the Board look favorably on the proposal for kennels in the agricultural zones.

There was no more public input.

Mr. Lee closed the public hearing.

Mr. Gill stated that Mr. Bott had said that the Board removed commercial boat landings from the A-2 District and that is correct. He stated that he wanted to make

everyone aware that Article 12, which deals with non-conforming uses, states that if any non-conforming use is discontinued for a period exceeding two years, then that “grandfathered” status is lost, however, such seasonal, temporary uses as crop farming, oyster shucking houses, crab houses, fish and food processing houses and sawmills shall be exempt and therefore could be permitted to continue.

Mr. Beauchamp stated that he had concerns about the fifteen day limit on the temporary sawmills and thought that more time should be considered.

Mr. Jenkins stated that portable sawmills are very small operations and give land owners who have wooded acres an option to selectively cut their land and not strip cut. He stated that the machinery is no louder than a portable tractor. He stated that the sawmills are versatile and less expensive to run and should be encouraged. He stated that to make it worthwhile for the sawmill owner, his suggestion would be a ninety-day limit as opposed to the fifteen days.

Mr. Palin stated that he would support the ninety-day time period.

Mr. Jenkins stated that he would also like to revisit the accessory building heights issue because he has concerns about the fairness for all citizens. He stated that the height restrictions placed should only be based on how high the ladders of our firetrucks can go and it should not be different in an agricultural district from a residential district.

Mr. Gill stated that the height restrictions are the same across the board in all districts.

There was discussion about tabling the Articles until more information is obtained.

Mr. Lee stated that he thought Article 2 was ready.

Mr. Bellows made a motion to Approve Article 2-Districts of the Zoning Ordinance.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Jenkins made a motion to Table Articles 3 and 4 of the Zoning Ordinance until next month's meeting with staff recommendations, in particular to sawmills and accessory structure height restrictions.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

CONSENSUS DOCKET

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

1. Minutes for March 24, March 31, April 7, and April 14 Meetings

Recommendation: Approve minutes as submitted

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2016 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for March 2016 in the amount of \$237,653.42 and invoice listings for March 2016 in the amount of \$1,151,635.08*.

*Capital Improvements - \$633,460.02

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

2. Emergency Services Radio System Change Orders #4 and #5

Mr. Lee asked Chief Terry McGregor to explain the issue.

Mr. McGregor stated that the Board members should have received his memorandum concerning two change orders for the radio system. He stated that the County is receiving two credits, one is a refund from Radio Communications of Virginia and one is an initial system order credit. He stated that subsequent to the initial system design, unplanned analysis of the tower at the Sheriff's Office was required and that analysis requires correction to ensure tower safety. He stated that there is also analysis needed at the newer tower at the radio station in Kilmarnock.

Mr. Jenkins stated that, per foot of height, the costs are very high. He stated that he did not understand why the job would cost \$9,000. He stated that someone needs to ask these questions, so they can be explained to the taxpayers.

Mr. McGregor stated that the work was for drilling down to where the original ground rods were located, electrical testing for proper grounding capacity and ensuring the tower meets load specifications.

Mr. Jenkins stated that he was still questioning why it costs \$9,000 to do simple engineering tasks.

Mr. McGregor replied that he could not answer that question.

Mr. Jenkins stated that before the work is authorized someone should be able to answer that question.

Mr. Pleva replied that he could ask the company performing the work to come in front of the Board to answer questions.

Mr. Lee stated that there were a lot of questions to be asked.

Mr. Jenkins stated that they did not know how many layers the drill had to go through, what kind of drill was used or how big the holes were.

Mr. McGregor stated that they were originally planning on putting all of the County's equipment on the older tower at the radio station, but after analysis, it was discovered that the older tower would not support additional equipment. He stated that analysis of the newer tower at the radio station was \$6,322. He stated that analysis involved someone climbing the tower, checking the tension on all of the guy wires and determining whether or not the footings and attachment points were stable.

Mr. Jenkins asked if the same firm analyzed both towers.

Mr. McGregor replied that he did not believe so, but would find out.

Mr. McGregor stated that the first change order has a net cost of \$1,993.68.

Mr. McGregor referred to the second change order and stated that the tower at the Sheriff's Office required tensioning of the guy wires and that was also \$9,000.

Mr. Lee stated that he did not understand how both figures could be \$9,000.

Mr. Jenkins suggested tabling the issue until next month's meeting.

Mr. McGregor stated that he could get more information on the projects sent to the Board.

Mr. Lee stated that he would like more detailed information on the tower work before the next meeting.

Mr. Jenkins made a motion to Table the Emergency Services Radio System Change Orders #4 and #5 until more information has been received.

Mr. Beauchamp asked if the contractor could attend the May meeting.

Mr. McGregor stated that he would ask.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

3. Social Services FY 16 Budget Supplemental Appropriation Request

Mrs. Edna Davenport, Director of Social Services and Kay Simpson, Office Manager were present.

Mrs. Davenport stated that she was requesting supplemental funding for this fiscal year. She stated that her department's fiscal year starts every June 1 as opposed to the County's fiscal year that begins every July 1. She stated that she has been tracking the budget and all of the department's mandatory programs require a local match by the County. She stated that they did not have a system to track the local expenditures, so she relies on communications with the County Treasurer, Mrs. Haynie, to keep her up to date on the local balance. She stated that in February the Treasurer told her that they were running out of local money and she reported it to her Board. She stated that since that time, they are sure that they are running too low and now are requesting \$52,000. She stated that figure is mainly for staff and operations.

Mr. Jenkins asked if Mrs. Davenport's department received more funding from the state than the Board had anticipated that would have to be locally matched during last year's budget planning.

Mrs. Davenport replied that her department received less money than they did the prior year and that is part of the reason they are in their current situation. She referred to the state funding and stated that they made a change to the original allocation, which is based on the number of customers served. She stated that the state will be issuing the County their notice of the cost allocation in May and the actual allocation will be issued in June, so that would be a good time to look at that issue then.

Mr. Bellows asked Mrs. Davenport if the changes were reflected in the FY17 Budget.

Mrs. Davenport replied yes.

Mr. Palin made a motion to Approve the Social Services FY16 Budget Supplemental Appropriation Request.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

4. Consideration of Setting a Public Hearing to Vacate a Private Right of Way, Cul de Sac and Utility Easements on a Previously Approved Subdivision Plat

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was the consideration of setting a public hearing to vacate a private right of way, cul de sac and utility easements on a previously approved subdivision plat in District 3 by enactment of an ordinance. He stated that this could be done one of two ways. He stated that the first way, which is also the traditional and more conventional way, involves getting all parties who have legal rights of use to those right of ways and easements to consent to the vacation of those right of ways and easements on a revised plat, which is then reviewed, approved and recorded. He stated that this process is explained in Code of Virginia Section δ 15.2-2272(1). He stated that to his and County Attorney, Jim Cornwell's knowledge, that is the way that all previous vacations of private right of ways and easements have been handled in Lancaster County.

Mr. Gill stated that the second and less conventional way is by enactment of an ordinance by the Board of Supervisors as explained in the Code of Virginia Section δ 15.2-2272(2). He stated that this method involves the usual advertisement in a local newspaper for two weeks, notification to adjoining property owners and a public hearing before the Board of Supervisors. He stated that this method would set a precedent, as this would be the first time a private right of way was vacated by ordinance in Lancaster County.

Mr. Gill stated that the Board members had copies of the original subdivision plat that was approved and recorded on August 29, 2003, which shows the 50 feet right of way, cul de sac and 15 feet utility easements adjoining that right of way. He stated that he had also included the proposed vacation plat, which shows vacating the 50 feet right of way and the creation of a 25 feet ingress/egress easement to access the off road parcel.

Mr. Gill stated that Attorney Les Kilduff was present and represents the largest landowner in that subdivision. He stated that one owner has a mortgage with Bank of America and it has been virtually impossible to get them to sign off, so the traditional way is not possible, and that is the reason for this request.

Mr. Gill stated that Mr. Cornwell said he has seen the less conventional vacation by ordinance method used in other counties he represents, but since it has not been used in Lancaster, the Board needs to decide if it wants to set that precedent and open the door for other right of way vacations by ordinance in the future.

Mr. Gill stated that there was no problem, from either a zoning or subdivision standpoint, with vacating the right of way, cul de sac and utility easements. He stated that the proposed plat meets all of the requirements of the subdivision ordinance, just as the original plat did. He stated that the vacation is not a necessity, but something that the owners want to do, but cannot, since Bank of America will not consent.

Mr. Jenkins asked if the landowners had any recourse with the courts.

Mr. Kilduff replied that he did not know of any way the court would address it. He stated that it was a vacation of a portion of a subdivision plat. He stated that the bank is PNC and he had mistakenly told Mr. Gill the wrong name of the institution. He stated that it is a big bank and there is no way of finding someone who will do what needs to be accomplished. He stated that the way he is proposing safeguards the public because of the public advertising, and if anyone had objections, they would be heard at the public hearing.

Mr. Palin asked why the owners wanted the vacation.

Mr. Kilduff replied because a fifty-foot road and cul de sac are not necessary since two parcels are being merged.

Mr. Jenkins asked if it was a right of way that is not being used, then what harm does it cause.

Mr. Kilduff replied that it did not cause harm, but it is a piece of land that they technically cannot use.

Mr. Jenkins stated that it seemed to him that the intent of the General Assembly by allowing this option was for a County to act in those cases where it would benefit the County or the people of the County in general. He stated that this issue was a private matter between property owners and a bank and does not affect another person in Lancaster County.

Mr. Kilduff agreed.

Mr. Jenkins stated that he did not see a burden on the County to act on the issue.

Mr. Kilduff stated that it doesn't affect the overall County, but the statute does allow for the ordinance.

Mr. Lee stated that coming before the Board is the last recourse they have.

Mr. Jenkins stated that he would caution against setting a precedent because he did not want to see the Board become judge and jury for future subdivision disputes.

Mr. Kilduff stated that if there was any opposition it would be a different matter.

Mr. Jenkins stated that the bank would not be represented at the public hearing and Mr. Kilduff's client was trying to get around the bank not being responsive to their issue.

Mr. Palin stated that he agreed with Mr. Jenkins.

Mr. Jenkins made a motion to Deny the Request of Setting a Public Hearing to Vacate by Ordinance a Private Right of Way, Cul de Sac and Utility Easements on a Previously Approved Subdivision Plat.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

5. Consideration of Award of Bid for the Windmill Point Public Boat Ramp and Beach Cove Villa Access Road Relocation Projects

Mr. Ben Burton of Bay Design Group stated that he wanted to advise the Board on the status of the proposed boat ramp at Windmill Point. He stated in February 2016, they received the final environmental permitting from the Army Corps of Engineers. He stated that in early March, the final plans were sent to Don Gill, Planning and Land Use Director and Brian Barnes, Environmental Codes Compliance Officer and they were reviewed with the Department of Game and Inland Fisheries. He stated that by the end of March, the bid proposal had been prepared and advertised shortly thereafter. He stated that the ads were distributed to approximately twelve local contractors and six registered as bidders. He stated that they only received one bid, with two of the bidders combining their services for both parts of the project. He stated that they are recommending that Earth Resources, who is the primary contractor, be awarded the contract for \$322,407. He stated that they were a responsible bidder and the bid was well within the projected costs. He stated that they have specified to

Earth Resources a very tight schedule in keeping with the schedule for the DGIF grant reimbursement.

Mr. Jenkins made a motion to Award the Bid for the Windmill Point Public Boat Ramp and Beach Cove Villa Access Road Relocation Projects to Earth Resources, Inc., the lowest bidder.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Bellows stated that he thought there should be a ground breaking ceremony and also would like the Board to consider naming the boat ramp in honor of Fred Ajootian and Jack Russell.

Mr. Burton stated that there was an associated topic he wanted to discuss with the Board. He stated that the boat ramp is a facility, just like any other development within the County, that must meet stormwater management criteria. He stated that because the land is low and restricted by wetlands, there is no facility that could be built into the boat ramp or parking area that would meet the stormwater criteria of water quality improvements.

Mr. Burton stated that one of the ways to accomplish meeting the criteria is to buy phosphorus credits from a stormwater bank. He stated that there are two banks operating in the Rappahannock River watershed, but only one had expressed interest and they had received a proposal from the Overland-Culpeper Nutrient Bank today to sell a half pound a year credit to the County for \$8,000. He stated that it was a one time payment.

Mr. Gill stated that usually stormwater best management practices are structures like infiltration trenches or drywells, but those cannot physically work in this location because the land is so low. He stated that when the nutrient bank was first approached, they wanted to sell a one pound credit for \$20,000, but now they are willing to come down to a half pound credit for \$8,000.

Mr. Bellows asked if there were any mitigation projects that could be done in Lancaster County to account for that.

Mr. Burton stated that you have to go through a process of setting up a nutrient bank by turning a piece of land from highlands to wetlands and then maintaining it.

Mr. Bellows asked about mitigating another local parcel instead of spending the money somewhere else.

Mr. Burton stated that could be done, but then the County would have the responsibility for maintaining that land in perpetuity.

Mr. Gill stated that even if you could do structural BMPs on this site, it would cost more than this nutrient credit to install and then the County would have to maintain them in perpetuity.

Mr. Bellows made a motion to Approve the Nutrient Credit Purchase of \$8,000 from Overland-Culpeper Nutrient Bank.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

BOARD REPORTS

Mr. Jenkins made a motion to reappoint William H. Pennell, Jr. to the Rappahannock Community College Board.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Lee made a motion to appoint Tyrone Davis to the Building Codes Appeal Board.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Palin made a motion to appoint Edith Pinn to the Social Services Board.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Bellows stated that he wanted to announce that Preservation Virginia would be here to do a press release and media event on Tuesday, May 3. He stated that they will be designating the Rappahannock River crossing as a threatened historic place. He stated that the event would be held at Pop Castle in White Stone.

COUNTY ADMINISTRATOR

Mr. Pleva stated that the Commonwealth’s Attorney, Jan Smith, has suggested that the Board consider amending the County’s code for reimbursement of expenses incurred in responding to DUI related cases. He stated that his suggestion was to review it further and discuss it at the May meeting. He stated that a public hearing would have to be held if it is something that the Board wants to do.

CLOSED MEETING

Motion was made by Mr. Bellows 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 are Legal Matters, § 2.2-3711.A.7 and Personnel Matters, § 2.2-3711.A.1 of the Code of Virginia, 1950, as amended. The purposes of the closed meeting are to discuss legal and personnel matters. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.7 (for briefings by staff members pertaining to actual or probable litigation regarding the State Corporation Commission application submitted by Dominion Virginia Power,

where such briefings in open meeting would adversely affect the negotiating or litigating posture of the public body) and § 2.2-3711.A.1 (for the discussion and consideration of prospective candidates for the Director of Finance position and the discussion and consideration of the employment of same by the public body).

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

RECONVENE

Motion was made by Mr. Palin to reconvene the open meeting.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on April 28, 2016 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Matters, § 2.2-3711.A.7 and Personnel Matters, § 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 Mr. Palin 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 comment, Mr. Lee called the question. A roll call vote was taken:

ROLL CALL

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

This certification resolution is adopted.

No action taken on the closed meeting matters.

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye