

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, July 28, 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: Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Carter White and Billy Douglas, Virginia Department of Transportation; Elder Donald Richardson, The Greater Saint's Temple Outreach Program; Randolph Latimore, Lancaster School Board; Steve Waterfield, Northern Neck News; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

Mr. Madsen, an Oak Hill Road resident said his first request was to ask the board to consider repealing R-3 Zoning Ordinance. Now that R-2 has been repealed the developers will turn to R-3 which is not a good ordinance. There are no requirements for open space and the requirements for the lots are very small, lots can be as small as 12,000 square feet. When you have 12,000 square feet in certain cases you don't even any side yards, which means you can actually build on two-thirds of that lot. If the lot is bigger you can get up on 90% of the lot and can build three stories high on the footprint. The county has not used R-3 often, however; it's coming because of the repeal of R-2. He

stated some of the developers coming into the county see only a piece of land and want to cut down all the trees and go with the minimum size lot, and ask how many units can be built. Ask the Board of Supervisors to review R-3 and consider repealing it. His second request was do a general increase in the minimum lot size, which is needed in order not to get over development in the county. Lastly, every time developers come into the county they look at how they can increase their profit. Sometimes the developer's project costs the county money. In some areas there is a fee that developers must pay to the county per unit, which is something the county may consider.

### **PRESENTATION**

Elder Richardson stated The Greater Saint's Temple Outreach Program is a minority owned, start-up, non-profit business with a 501c3 designation from the IRS. They began the process in 2004 to purchase the Old Lively School located at 5084 Mary Ball Road, which sits on seven acres and has three buildings. They are seeking to obtain a grant to purchase the school, renovate, and rehab the buildings. There will be a senior citizen day care for those that do not have any physical or mental impairment. The center will serve seniors three meals a day, five days a week, so they do not have to make a choice between food or medicine. The largest building will be used as a recreational center for the youth. There will be video game stations, game room, and a computer room. Parents and/or guardians of the youth will have to register them into the Youth Center and the rules and regulations will be given at the time. There will be a lot of opportunities for the youth, but the demand for self discipline is high - there will be no drinking, no smoking, no drugs, and zero tolerance. An internship program will be in place and interest as been shown by Pat Robertson University. There will be interaction between the senior citizens and youths. The project will create approximately twenty-five jobs and will enhance the county and community.

Mr. Palin asked how they will plan to recruit youth for the program.

Elder Richardson stated information will be sent to the schools and they will contact people who already have similar programs in place for guidance.

Mr. Geilich asked if all religions will be accepted.

Elder Richardson said everyone is invited to participate in the program.

Mr. Hill asked about the continuous funding.

Elder Richardson stated that continued funding will be obtained through grants, private, and local funding.

The \$1.3 million will be for the rehabilitation and start up costs, how will the operating funds be obtained. What administrative costs will be coming out of the grant?

By consensus of the board to appoint a committee to assist Elder Richardson with the project, which will consist of Scott Hudson, Emergency Services Supervisor, Marilyn Hollingsworth, Director of Housing, a staff member from Social Services, and the county administrator to review the final paperwork.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **Taylor's Creek Project (VSH 630)**

Mr. White stated there have been some delays on the Taylor's Creek Project (VSH 630). He gave some history on the project, indicated VDOT received bids on August 2004 and Abernathy Construction was awarded the contract for \$2.4. VDOT had concerns about financing the project but advertising for re-bidding would have sent the bid costs higher for this area, rather than lower. After VDOT negotiated with Abernathy, they agreed to defer the two final payments which were approximately 13% of the contract to be made in August and September 2007. The project began in August 2004

and was to be completed by October 2006. Mr. White read a portion of law that controls spending for highway projects, "... The Commonwealth Transportation Board shall ensure that the total funds allocated to any highway construction project are equal to the total expenditures within twelve months following the completion of the project". There have been five work orders for various reasons which cost approximately \$206,000 in unplanned spending. There would be cost overruns in excess of \$370,000. The funding to complete this project would not be available until 2008. So, the last 1300' in front of the Wesley Presbyterian Church of the project cannot be done until funds are available in 2008. VDOT is trying to be pro-active and not infer with the contractor's work. The traffic has increased to almost to 1400 cars per day.

Mr. Beauchamp asked Mr. White to define work orders and what will be done with the last 1300'.

Mr. White stated work orders are add-ons and errors in plans for the two mile long project. The 1300' will be graded to drain, plant grass seed and/or add stone. It will be blocked off so people can not drive on it, but still be able to use the existing road.

Mr. Hill asked what has contributed to the \$307,000 cost over run.

Mr. White stated the cost of the materials increase (dirt vs. stone) and various items such as the quantity.

By consensus of the board, the county administrator is authorized to write a letter to the Commissioner of VDOT asking that the road be completed on schedule.

#### Merry Point Ferry

Mr. White said there is no ferry update at this time.

### River Road (VSH 354)

Mr. White stated there were some problems on VSH 354 when 8 1/2 inches of rain fell in a short period of time. One pipe was clogged with debris from a beaver's dam and the water was washing out the road. The repairs were made and he appreciates the citizens' patience.

Mr. Jenkins stated there was still a little spot that needed to be paved on VSH 354.

### Rural Rustic Road Request

Mr. Jenkins said he received a called from Melvin Creasy (462-5966) requesting that Route 777 a gravel road off VSH 680 which is approximately 3/10 of a mile be added to the Rural Rustic Road Program. Mr. White will include this on next year's six-year plan.

### **PUBLIC HEARINGS**

1. Application for a Special Exception – William T. and Tracy A. Hayden – Mr. Larson said Application for a Special Exception by William T. and Tracy A. Hayden to operate a sand and gravel pit on property is described as Tax Map #17-40B which is located off VSH 605, Pinkardsville Road, near Kilmarnock, VA in Voting District 2.

Mr. Larson stated because of erroneous information as to the tax map parcel in consideration that was given to the Planning and Land Use Office by the applicant, this issue was advertised for property described as Tax Map #17-40 vice the correct #17-40B. Advertising was therefore not correct and notification of two adjoining property owners was not conducted in a timely manner. This issue must be correctly advertised for a second public hearing and all adjoining

property owners properly notified in a timely manner of the time and date of that public hearing.

Mr. Larson said there has been no input from interested members of the public based on the notification and advertising that was done. Materials are not included with this request since those submitted by the applicant are also deemed inaccurate and incomplete.

Chairman Jenkins opened the public hearing.

Hearing none.

Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to continue the Application for a Special Exception for William T. and Tracy A. Hayden until the regular Board of Supervisors meeting on August 25, 2005.

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

### **CONSENSUS DOCKET**

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

A. Minutes for June 30, 2005

Recommendation: Approve the minutes with amendments

B. Repeal of County Tag Requirement

Recommendation: Move to Consideration Docket

C. Engineering Services – FEMA Hazard Mitigation Grant

Recommendation: Accept the proposal submitted by Gannett Fleming, Inc. The engineering firm selected to perform these services for the FEMA housing grant.

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 July 2005 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for July 2005 in the amount of \$160,167.34 and Invoice Listings for July 2005 in the amount of \$617,855.15.

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

2. Repeal of County Tag Requirement – Mr. Pennell stated the Board of Supervisors has previously directed him and the county attorney to revise the ordinance on county automobile licenses to repeal the issuance of the tag and ensure collection

of personal property taxes through the Virginia Department of Motor Vehicles program to assist counties in this endeavor.

Mr. Pennell said the he and the county attorney are in the process of finalizing the language of a revised ordinance that will provide for the continued collection of a vehicle tax yet not issue a windshield tag as evidence of the payment of this and personal property tax. He has met with the Commissioner of the Revenue and the Treasurer and obtained their comments on the proposed ordinance revision

Mr. Jenkins made a motion to authorize the county administrator to advertise an ordinance amendment to repeal the issuance of the county automobile licenses (county tags) for public hearing at the regular Board of Supervisors meeting on August 25, 2005.

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

3. Request to Re-appropriate State Revenue to School Board Budget – Dr. Latimore stated the School Board has authorized him to request the additional revenue received from the Commonwealth in the amount of \$186,356.00 be re-appropriated to the Fiscal Year 2006 school operating budget. The additional revenue was received due to an increase in ADM as reported on its March 31, 2005 report to the Virginia Department of Education. The school division was notified of the additional revenue on May 20, 2005.

Dr. Latimore said the school board would use the additional revenue to offset the increase in monthly premiums for employee medical insurance. The



projected cost of increasing the employer's contribution is \$178,200.00 not including new hires.

Mr. Beauchamp made a motion to approve the Request to Re-appropriate State Revenue to the School Board Budget in the amount of \$186,356.00.

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

4. Architectural/Engineering Studies of Various Lancaster Schools' Construction Project – Mr. Pennell stated over the past several months, Dr. Latimore, Mr. Guill and he have interviewed architectural/engineering firms which responded to the School Board's Request for Proposals to provide consulting services to conduct a planning study for various school projects.

Mr. Pennell said the board has been provided with the fee schedule as the result of the selection of Rancor Wildman as the preferred firm to complete the planning study and negotiated reductions in their first fee presentations.

Mr. Pennell stated it has been made very clear to this firm that the Board of Supervisors is first interested in learning if the existing school bus garage can be rehabilitated and at what cost. This estimate will be presented to the School Board and the Board of Supervisors before any work is begun on the planning of a new bus garage facility.

Mr. Jenkins made a motion to Accept the Contract from Rancor Wildman Architects with the revised fee proposal.

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**

Mr. Beauchamp asked about the installation of a generator at Lancaster Middle School.

Mr. Pennell indicated the dollar amount was very high on the estimate obtained by Mr. Guill, however; an RFP can be advertised with hopes of getting lower bids.

By consensus of the board, have an electrical engineer assist in the preparation of an RFP to determine the size and specifications for a generator at the Middle School to provide an emergency shelter during emergencies and advertise the RFP to determine prices.

### **COUNTY ADMINISTRATOR**

Mr. Pennell stated the Board of Supervisors was invited to Farm Bureau on August 13, 2005 at 3:00 p.m. at Heritage Park Resort.

### **ADJOURNMENT**

Motion was made by Mr. Hill to adjourn until Wednesday, August 3, 2005 at 7:00 p.m. at Lancaster Middle School for a joint meeting with the Town Councils of Kilmarnock, White Stone and Irvington to learn about the possibility of establishing a Public Service Authority in Lancaster County..

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