

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 27, 2009.

- Members Present: Jack S. Russell, Chair
- Ernest W. Palin, Jr., Vice Chair
- Peter N. Geilich, Board Member
- B. Wally Beauchamp, Board Member
- F.W. Jenkins, Jr., Board Member
- Staff Present: William H. Pennell, Jr., County Administrator
- Jack D. Larson, Assistant County Administrator
- Don G. Gill, Planning and Land Use Director

Dr. Russell called the meeting to order at 7:00 p.m.

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

1. Speed Study – Jessie Ball duPont Highway – Mr. Pennell provide VDOT with a letter of concern from business people along Route 200, Jessie Ball duPont Highway, from Good Luck Road to the Northumberland County Convenience Center. The letter asks for a speed study and consideration on installing a double yellow line in this location. This area is found in District 4 of Lancaster County.

Mr. Pennell stated he spoke to Clifton Balderson and this speed study has already begun and hopefully VDOT will have a report available at the September 24, 2009 regular Board of Supervisors meeting.

PUBLIC HEARING

1. Ordinance to Permit Golf Carts and Utility Vehicles to use Roadways within the Village of Weems having a 25 MPH or Less Speed Limit – Mr. Pennell stated at the July 30, 2009 meeting the Board of Supervisors, the members directed that he prepare an ordinance which would permit golf carts and utility vehicles to use state highways within The Village of Weems which have a 25 mph or less speed limit. This ordinance has been properly advertised in order to conduct the public hearing.

Mr. Pennell said State Code regulations require at least one sign, notifying motor vehicle operators that golf carts and utility vehicles are using the road, be posted on each road affected by this ordinance.

Mr. Pennell stated VDOT will not make, erect nor maintain these signs. Either the county or some other party will be required to erect and maintain the signs. The enabling statute permits the Board of Supervisors to require others to erect and maintain the signs and he has written the ordinance to require local citizens bear this responsibility.

Mr. Pennell indicated that Mr. Beauchamp has discussed this provision with the citizen making the request to permit golf carts and utility vehicles to use these roads and she is willing to have these signs made, erect them on the roads and maintain them in the future.

Chairman Russell opened the public hearing.

Hearing no comments Chairman Russell closed the public hearing.

Mr. Beauchamp made a motion to Adopt the Ordinance to Permit Golf Carts and Utility Vehicles to use State Highways in The Village of Weems having a 25 mph or lesser speed limit.

ROLL CALL

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

2. David Wayne George – Application for Special Exception (Individual Manufactured Home) – Mr. Gill presented an Application for Special Exception by David Wayne George to place an individual manufactured home on a recently recorded 1.008-acre parcel described as a part of Tax Map #35-184. This property is zoned R-1, Residential, General and is located off VSH 641 at 585 Mosquito Point Road in District 3.

Mr. Gill stated Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (16 foot X 76 foot single wide). Previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill said this property has an approved health department permit for on-site septic and a well. All front, rear and side setbacks can be met. Similar types of manufactured homes exist in this neighborhood. The applicant requested and received permission to store the manufactured home on site as it had already

been purchased. He provided the Board of Supervisors with a copy of the application for review.

Mr. Gill said this issue has been advertised and adjoining property owners notified as required by law. To date, there have been inquiries from three adjoining property owners who have voiced their intention to be present at the public hearing and/or provide written comments prior to the meeting.

Chairman Russell opened the public hearing.

Mrs. George stated they own 20 acres and have a one acre lot subdivided to place a 2009 new single wide home already purchased on the lot for her daughter and grandchildren to live. She provided the Board of Supervisors with pictures of the surrounding homes. She stated the neighborhood was not a high class neighborhood, it's middle class. She said her daughter has lived with her on and off for six years and they simply wanted the daughter and grandchildren to have a safe place to live but still close enough to help. Should her daughter ever move this would not be used as a rental property?

Bill Gatling said he lives catty corner to the Georges. He stated he has never met Mr. George formally and does not have any ill feelings toward him. He believes they should have regard for the neighbors. The problem is not about the trailer rather the location of the trailer on the property. He also provided the Board of Supervisors with pictures from his property. He said when he uses his back yard, which he does to entertain his friends, all he call see is the back of this huge trailer. He would like to see the trailer relocated on the property facing Mosquito Point Road, so as not to offend the neighbors. If the trailer is located where it is currently set, the property values will go down.

Carrie Turpin stated she owns property directly in front of the proposed trailer site and does not understand why, with 20 acres of property, the trailer

should be located at this spot. The trailer is huge and offensive and will decrease their property value. She suggested that the trailer be moved further back on the property with proper screening.

Dr. Russell asked how close the trailer was located to the property line.

Mr. Gill said 63 feet off Ms. Turpin property line and 45 feet off the Gatlings property line.

Ms. Turpin said she wish the Georges would have been more neighborly.

Mrs. Gatling stated she submitted her comments to the Board of Supervisors prior to the meeting. She does not believe they live in a low-class neighborhood. She and her husband have worked hard for their property and try to maintain it. She indicated that they and Ms. Turpin have allowed the Georges to cross their property in order to bring the trailer in and place it on the current lot. The trailer is huge and they are simply asking the Georges to relocate the trailer on the lot and plant some trees for screening purposes.

Mrs. George said she did not mean low income homes but meant there where similar structures (i.e. trailers) in the surrounding neighborhood. She originally thought the surrounding neighbors just did not want a single wide trailer in the neighborhood. The situation is out of the 4 ½ acres which is open, the perk test only passed at that location and there will be trees planted to screen the location.

Mr. Geilich asked if they (the Georges) are willing to consider the repositioning of the trailer on the property.

Mrs. George stated she needed a better understanding of what he meant about relocating the trailer.

Mr. Gatling said he would like to see the trailer face Mosquito Point Road.

Mr. Geilich said he would like to table this item until next month in order for Mr. & Mrs. George and the neighbors to come up with an agreement. Because of the objection of neighbors he would have to make a motion to deny the request and if the request is denied, it can not be brought back before the board for at least one year. It seems as if the Georges and surrounding neighbor are so close to coming up with an agreement.

Mrs. George said this has been a true hardship on her family and would like to get this resolved at this meeting, in order to go forward with the work. They already have \$50,000 invested in this project.

Mr. Palin asked how far back on the property could the trailer be located.

Mr. Gill said 15 of the 20 acres is swamp and they are only dealing with the one acre which has already been subdivided for this trailer. There are other single wide trailers in the area.

Emily Carter asked if this is approved does this facilitate the ability to place more like dwellings on the property.

Mr. Gill again stated there are already single wide dwellings within that area.

Mr. George said he purchased this property from the Carters in 1991 and the Carters separated the rental house and two trailers and someone is currently living in the trailer. To reposition this trailer on the lot is fine but it can not go back any further on this one acre lot. He would have to re-subdivide and it will not perk. He said Mr. and Mrs. Gatling's property will not be affected.

Chairman Russell closed the public hearing.

Mr. Jenkins said he needed a better understanding of how the trailer would be situated on the property.

Mr. Gill show and explained how and where the trailer was located on the property.

Mr. Jenkins stated a buffer of trees could fix the issue. How long is the property line?

Mr. Gill said the there is 110 feet of screening needed.

Mr. Geilich made a motion to temporarily table the Application for Special Exception by David Wayne George to place an individual manufactured home on a recently recorded 1.008-acre parcel described as a part of Tax Map #35-184 located off VSH 641 at 585 Mosquito Point Road while the parties and Mr. Gill leave the room and work on a compromise.

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

Mr. Gill later returned and stated he was pleased to report an agreement has been reached. He asked that a motion be made to approve the Application for Special Exception for David George contingent upon a satisfied boundary line adjustment to add ½ acre to the parcel which will facilitate the relocation of the trailer approximately 50 feet rearward.

Mr. Geilich made a motion to Approve the Application for Special Exception by David Wayne George to place an individual manufactured home on a recently recorded 1.008-acre parcel described as a part of Tax Map #35-184 located off VSH 641 at 585 Mosquito Point Road contingent upon a satisfied boundary line adjustment to add ½ acre to the parcel which will facilitate the relocation of the trailer approximately 50 feet rearward.

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

CONSENSUS DOCKET

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

A. Minutes for July 30, 2009

Recommendation: Approve minutes as submitted

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of August 2009 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the August for June 2009 in the amount of \$212,670.61 and Invoice Listings for August 2009 in the amount of \$544,213.53.

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

2. Public Access – Chesapeake Bay – Mr. Pennell said for some time, Mr. Geilich, Mr. Palin and county staff have been negotiating with Mr. David George (trustee for the estate of Mr. Roland W. George) to lease his property at 202 Antirap Drive, White Stone, Virginia for the purpose of providing public access infrastructure. The Board of Supervisors was provided with proposed design of the site.

Mr. Pennell said the property in question is a parcel zoned M-1 (Industrial) off Windmill Point Road in Palmer, Virginia. This parcel has traditionally been used as a menhaden processing plant with ancillary industrial/manufacturing/seafood uses. The proposed new use qualifies as a County Sanctioned Public Facility (9-1-27).

Mr. Pennell stated as a result of market conditions, Mr. George is no longer able to use this plant to its full capacity and wishes to enter into a public/private partnership to provide public access to the waters of the Commonwealth.

Mr. Pennell provided the Board of Supervisors with a copy of the design showing a 297 feet public fishing pier which will be handicapped accessible and goes out to 10 foot depth of water in the Antipoison Creek, shoreline hardening,

concrete boat ramp which would accommodate as many as 3 simultaneous boat launchings, as well as parking for 30 vehicles and boat trailers and additional parking for vehicles without boat trailers. In addition, the site plan calls for areas where fuel sales and a ship's store would exist managed by the owners or their agents.

The committee negotiating this lease recommends the following lease payments:

Year 1 through 5 - \$5,000 per month
Year 6 through 10 - \$5,500 per month
Year 11 through 15 - \$6,000 per month
Year 16 through 20 - \$6,500 per month

Mr. Pennell said the lease would be written to prorate the lease payments as portions of the infrastructure become available to citizens. Mr. Matson C. Terry, II, is presently drafting a lease for county approval following a meeting with the county's committee regarding details of the plan. The real estate and personal property taxes will continue to be paid by the lessors.

Mr. Pennell said if approved, it is altogether possible that the fishing pier portion of this plan may be ready before the end of the calendar year 2009 and the boat launch facilities will be ready by the spring rockfish season in 2010.

Dr. Russell asked Mr. George if he had developed a business plan for private part of the partnership. He asked about the traffic and economic development, etc.

Mr. George stated everything was put into the lease agreement. He will have the ship's store, fuel, bait and supplies, and sale crabs. This is a great opportunity for the citizens of the county.

Mr. Palin stated this project is much needed for the citizens of the county.

Mr. Geilich said this has been worked on for over a year. This is a great deal for the county, the citizens, and major economic stimulus for Lancaster County because many of the people using this facilitate will be from outside the county and will hopefully spend both time and money. While this is being leased to the county the property is still taxable. The public/private combination is very positive and good for the county.

Mr. Jenkins said he agreed with Mr. Geilich, however; he believes that the public should be able to be a part of this partnership and be able to voice their opinion. He stated he did not have the information on this project long enough to go over it and its sketchy on details. He has more questions and believes the public should have an opportunity to voice their opinions.

Mr. Jenkins made a motion to get public input on Public Access – Chesapeake Bay at the next regular Board of Supervisors on September 24, 2009 meeting.

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

BOARD REPORTS

New Judicial Center Ground Breaking Ceremony

Dr. Russell asked about the new judicial center ground breaking date.

Mr. Pennell stated the County Attorney and Contracting Attorney are in the final stages of approving the contract. The approval of the contract should be completed within the next couple of weeks. He asked the Board of Supervisors to consider a future date and he will be sending out invitations to the Judges, Planning Commission, Industrial Development Authority, School Board, etc. He would like to have Judge Taliaferro and Dr. Russell to speak. He asked the Board of Supervisors to consider Wednesday, September 23, 2009 at 4:00 p.m.

By consensus of the Board of Supervisors the ground breaking ceremony for the new judicial center will be held Wednesday, September 23, 2009 at 4:00 p.m.

Mr. Jenkins stated he would like the invitation to be published in the Rappahannock Record.

Mr. Pennell stated there will be light refreshments.

COUNTY ADMINISTRATOR

Mr. Pennell said the ten counties of the Northern Neck and Middle Peninsula in cooperation have filed a grant request with the ARRA for \$19.1 million to provide middle mile broadband services to these communities. The plan is that the last mile will be an economic development opportunity for local Internet Service Providers (ISP) to utilize this backhaul resource to improve broadband capabilities in Lancaster County and the other nine counties. The application was submitted in time, 10% of Virginia Counties are included in this application, and the applicants were ahead of the game by the two studies that the Planning District Commission had commissioned. The second study is not yet completed but is currently in draft form.

ADJOURNMENT

Motion was made by Dr. Russell to adjourn to the meeting.

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