

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, September 30, 2004.

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

Others

Present: Carter White, Clyde Hathaway and C.C. Burgess, Virginia Department of Transportation; Annette Jewel, Lancaster Extension; Jack Larson, Planning/Land Use; Scott Hudson, Emergency Services; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

None

PRESENTATION

1. Introduction of New Extension Agents – Mrs. Jewell, Unit Coordinator for Lancaster and Northumberland County Extension Service introduced Matt Lewis, Ag and Natural Resources Extension Agent. He stated this was his fourth year of extension and wanted to be here in this area, because he grew up in Lottsburg. He looks forward to accomplishing a lot of good things here. Mrs. Jewell also introduced Wendy Herdman, Extension Agent for 4-H Youth Development. She

stated she has been working since March and the next big event is National 4-H Week October 3 – 9, 2004.

2. C.C. Burgess - Resolution of Appreciation – Mr. Frere stated Mr. C. C. Burgess, Superintendent of the Lancaster County highway department local office is retiring from the Virginia Department of Transportation after 30 years of service, twenty-two of which were in Lancaster County.

Mr. Jenkins made a motion to adopt the following Resolution in Appreciation for C.C. Burgess years of service with Virginia Department of Transportation:

IN APPRECIATION

C. C. BURGESS

HIGHWAY DEPARTMENT SUPERINTENDENT

WHEREAS, a well-managed highway transportation system is a vital aspect of the quality of life of a community; and

WHEREAS, Lancaster County has been blessed with a well-run, local highway department office; and

WHEREAS, for the past 22 years, C. C. Burgess has been assigned to the Lancaster County Virginia Department of Transportation local office; and

WHEREAS, for many of these years, C. C. Burgess held the position of Superintendent of the Lancaster County office; and

WHEREAS, C. C. Burgess demonstrated his ability to lead his staff by responding in a timely manner to requests for service and, more often than not,

was able to anticipate problems with the highway system and have them repaired before they became a problem; and

WHEREAS, C. C. Burgess’ cheerful personality and dedication to the citizens of Lancaster County ensured an excellent working relationship between the state highway department and county government; and

WHEREAS, C. C. Burgess has begun his retirement after 30 years of service to the Virginia Department of Transportation.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors congratulates C. C. Burgess on his long, excellent career in service to the citizens of Lancaster County; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors expresses its profound gratitude for the work performed by C. C. Burgess to ensure the transportation system in Lancaster County was maintained in a high state of readiness; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors wishes C. C. Burgess good luck, good health and the best of times in his retirement.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Lancaster County History Committee – Mrs. Lorena Conner and Mr. Bud Bussells, on behalf of the Lancaster County History Committee, said they would

like to thank the Board of Supervisors for the loan the county made to the committee to publish the Lancaster County History Book. Mrs. Conner stated they would like to present the county with a check in the amount of \$5,000 as partial repayment and they would be back with another presentation in the future.

4. NeckTech Activity – Bringing Broadband to the Northern Neck – Mr. Pennell said the governments of the Northern Neck along with private citizens and businesses have been meeting for about eight years as the Northern Neck Chesapeake Bay Regional Partnership. There is a committee of that regional partnership that is called NeckTech and the purpose is to bring broadband communication to the Northern Neck. It was thought at one time that the economic development problems were transportation related, but it seems that the lack of broadband access in the Northern Neck is now more important.

Mr. Pennell introduced Hux Conklin, Alex Eguiguren, and Kenny Eades who are some of the NeckTech committee members. They have prepared an 11 minute slide show giving the board an idea of what NeckTech is trying to achieve.

Mr. Conklin stated there would be more information given at the October 25, 2004 meeting at Stafford Hall.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. White said the Avis Trail Project is almost completed and would be paved in the spring.

Mr. White stated the VSH 755 and VSH 711 are done and the paving should be completed by late October or early November.

Mr. White said the contract has been award for the VSH 630 Taylor's Creek Project.

Mr. Beauchamp said Rappahannock Westminster-Cranberry has requested that a deer crossing sign be placed on Old Salem Road. Mr. White stated he would be meeting with RW-C about the location for the placement of the sign.

Work Session on the Six-Year Plan – Clyde Hathaway supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2005-06 through 2010-11 at an estimated cost of \$464,000 - \$367,000 per year. Clyde Hathaway gave the video presentation and informed the board that the county-wide project items include rural additions, traffic and safety services, private entrance pipes, preliminary engineering, seeding, fertilization, subdivision, and site planning. The incidental budget items are small projects such as drainage improvements, clearing of intersections and improving alignment.

The first item is VSH 630/Taylor's Creek Road for complete reconstruction, to improve the drainage and horizon and vertical alignments. The second priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment. Third and fourth priorities will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge; however, there are no moneys available for this project. Priority five is Rte 605 near Pickardsville Road to improve the alignment. Priority six is Rte 607/Good Luck Road, a County Line Project with Northumberland, to improve the alignment a quarter of a mile west of Rte 200. Priority seven is Rte 642, Little Bay Road for the improvement of alignment and drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved under the Rural Rustic Road program. The first item is Burnt Wharf Road, Rte 755 to the dead end. The second and third items are Airport Road, Rte 711 and Indiantown Road, Rte 222 for the Rural Rustic Road program. The Board of Supervisors agreed by consensus to hold a public hearing on the six-year plan for secondary highways at the October 28, 2004 Board of Supervisors meeting.

PUBLIC HEARING

1. Ordinance to Permit Golf Carts and Utility Vehicles to use Riverside Drive and a Portion of Morattico Road – Mr. Pennell stated at the August 26, 2004 meeting of the Board of Supervisors, the members directed that he prepare an ordinance which would permit golf carts and utility vehicles to use Riverside Drive and a portion of Morattico Road. This ordinance would be heard at a public hearing at the September 30, 2004 regular meeting.

Mr. Pennell said he contacted Joe Staton, Resident Engineer, who advises that VDOT regulations require that 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 someone else 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 said he has discussed this provision with the citizen making the request to permit golf carts and utility vehicles to use these roads and he is willing to have these signs made, erect them on both roads and maintain them in the future.

Mr. Frere opened the public hearing.

Mr. Wheaton stated he had back surgery and needs to use his golf cart to go visit neighbors, because he still has back pain. He asked the Board of Supervisors to adopt the ordinance.

The public hearing was closed.

Mr. Jenkins made a motion to Adopt the following Ordinance to Permit Golf Carts and Utility Vehicles to use Riverside Drive and a Portion of Morattico Road:

Golf Carts and Utility Vehicles

The Lancaster County Board of Supervisors hereby ordains that golf carts and utility vehicles are permitted to be driven on the following public highways in Lancaster County:

1. Riverside Drive (VSH 621).
2. Morattico Road (VSH 622) beginning at the 25 mph speed limit sign located 2/10s mile west of Ivey Creek Road (VSH 623) and continuing westward to the terminus of Morattico Road.

This ordinance contains the following provisions:

1. The citizens of Morattico are required to install and maintain one sign on each of the aforementioned highways indicating that golf carts and utility vehicles use the road. These signs must conform to the Virginia Department of Transportation regulations for such signs.
2. Operators of golf carts and utility vehicles using the aforementioned highways must have a valid driver's license.
3. All golf carts and utility vehicles using the aforementioned highways must display a slow-moving vehicle emblem in conformity with §46.2.1081 of the Code of Virginia, as amended.

4. Golf carts and utility vehicles using the aforementioned highways shall be operated between sunrise and sunset only, unless equipped with such lights as are required by §46.2-1010 et seq. of the Code of Virginia, as amended.

A roll call vote was taken:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Application for Change of Zoning Classification – New Tides, LLC – Mr. Larson stated the Board of Supervisors has before it an application for Change of Zoning District Classification by New Tides, LLC on property described as Tax Map #27B-3-1 and #227B-4-1/1A/1B from R-1, Residential, General to R-2, Residential, Apartment. This property is located at the end of VSH 757, Saint Andrews Lane, on Carter Creek near Weems, Virginia and is in Voting District 5.

Mr. Larson stated the Planning Commission forwarded this request with no recommendation at the August 2004 meeting. This issue has been under consideration by the Planning Commission since December 2003 due to requested continuances by the applicant to address shortcomings in the master plan, to address concerns raised about the density of the project, height of the proposed building, and number of dwelling units in the building.

Mr. Larson said the Planning Commission expressed concerns about density and appeared to be influenced by the commitment to grant portions of a separate parcel for public access to tidal waters. The applicant can only make a commitment instead of a legally enforceable proffer because the parcel involved is not related to the property being considered for rezoning.

Mr. Larson stated the applicant has requested a special exception to operate a yacht club with restaurant as well as several other considerations with respect to approval of the master plan, all of which are allowed within the provisions of the Zoning Ordinance. Paragraph 6-1-4 of the Zoning Ordinance permits a special exception for “private clubs, restaurants.” Paragraph 6-2 allows the board of supervisors to approve buildings in excess of 45 feet (55 feet maximum is requested) as a condition of master plan approval. Paragraph 6-4 allows the board of supervisors to approve a density greater than three dwelling units per acre (6.99 dwelling units per acre requested) and a number greater than six of dwelling units per building (all 65 units are proposed for one building). Both exceptions would be conditions of master plan approval. While all issues are related and a part of one request, it would seem that procedurally the rezoning should first be considered and put to a vote. Then, if the rezoning is approved, the special exception for the yacht club with restaurant should be considered and put to a vote. Finally, a vote on approval of the master plan should be taken subsequent to a specific discussion of the density per acre and the number of dwelling units per building that is proposed in the master plan.

Mr. Larson said this public hearing of the request has been advertised and adjoining property owners notified as required by law. To date, his office has received two letters from interested members of the public concerning the density, aesthetics, and marina being used by the Golden Eagle on this hearing of the request. There was both opposition and support expressed for the request at the Planning Commission public hearing of the request.

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

Mr. Terry, legal representative for the New Tides, stated they have requested to redevelop the Lodge to 66 condos with a yacht club. This project has a large number of supporters and it will encourage tourism. The Tides is one of

the largest private employers in Lancaster County, and they are committed to providing jobs with good benefits. The New Tides LLC would be able to offer year round full-time employment with approval of this request. They are concerned about the environment and would reduce impervious cover by removing old buildings and tennis courts. They would also be working with the Wetland Board, VIMS, and Corps of Engineers to ensure environmental requirements were met when completing the marina. Completion of this project would provide a significant increase in the tax base. The vehicle traffic would be reduced with permanent residents, so would activities and noise. The New Tides, LLC would also be giving 12.5 acres to the county for water access and recreational use.

Mr. Lidicker stated the plan was much better now because of the input from the county and citizens. The market for a project of this type with amenities included is very strong. The architectural would be on the same line as the Tides Inn, high quality construction, and beautiful landscaping. With the project, the encroachment into the 100' protective buffer would be reduced by 47%. Traffic would be reduced by 44%, and the activities and noise would also be reduced with permanent residents. There would be a new state-of-the-art waste treatment plant providing over 100 hookups. The project would provide year around jobs and local contractors would be used on this project.

Glenn Brewer, representative for the Waterview Point Association, stated they share the only road that goes to the lodge. They endorse the rezoning from R-1 to R-2; however, they oppose the density. There would be a 55' high building with 66 units which is more than 7 units per acres. He stated that the four story building would be out of character and the traffic would greatly increase. He asked the board to reject the request.

Charles Hargett asked about the proffers and talked about how shallow Taylor's Creek was at the property proposed to be given to the county.

Mr. Frere read the proffers:

In accordance with this Master Plan and upon acceptance by the Board of Supervisors NTLLC proffers and commitments the following to Lancaster County:

1. To proffer enough additional waste treatment capacity, either through an enlarged Tides Utilities North waste water treatment plant or through providing a connection to the Town of Kilmarnock sewer system, to handle the proposed Pointe development and about 100 neighbors and residents around the Tartan Golf Course and on Carters Creek including the Greentown Road area.
2. To promise to provide to Lancaster County, at least, 12.5 acres of land on a neighboring site identified on the site plan to be used as a nature and recreational park with public water access to Taylor's Creek as is illustrated on the site plan. This land can be provided in fee to Lancaster County or as suggested in the Community Plan, NTLLC can provide the land as a donation of a conservative easement where it states: "The County may also make an outright purchase of the conservation easement or in the rare case of a landowner with enlightened self interest, accept the donation of a conservation easement." The balance of the property will be retained by NTLLC for residential development only.
3. To proffer with Virginia Institute of Marine Science (VIMS) and Virginia Maine Resources Commission (VMRC) and the wetlands officer of Lancaster County to design and implement a model Shoreline Management Plan for the site, and to help Lancaster County meet one of the Lancaster County Comprehensive Plan recommendations by continuing to work with VIMS and Lancaster County to host educational seminars for the County's waterfront landowners.

4. To have Sedona Resorts and The Tides Inn Support the development of any “Entrepreneurs Program” in Lancaster County that will assist in the promotion of, and training for, small business development in the County, by providing “pro bono” management and technical staff from these two entities for up to sixty hours per year for the initial start up and organization of this effort. This commitment helps the county fulfill an important LCCP objective for encouraging and assisting entrepreneurs to move from employment to ownership of local businesses.

William Shumadine, Jr. said he was in opposition of this project because it was too dense and would set a precedent.

Robert Davis said he strongly supports the project, which would give the county an additional tax base. The property would never be fully occupied.

O.H. Tashjian said he does not have any objections to the condos; however, he does object to the density of 66 units. He has concerns about the wastewater slick at high tide.

Mrs. Jack Simmons said that Carter’s Creek is always polluted with back up into the cove. DEQ should be monitoring; the environment is being destroyed. A lot of people left cities and congested areas to enjoy the land, and the population is increasing.

Keith Butler stated he is a maintenance supervisor at the Tides Inn. He further stated that seven days a week, eight hours a day the treatment plant is monitored. Daily records are kept and the whole process is highly regulated. He had water sample that he presented to the board.

Gray Collins said he supported the project with both the density and height of the building.

Kirk Rowe stated at the Planning Commission with all seven members, there was a Vote of 5 – 2 against this project. There would be an increase in population. Trees have fallen into the creek. He would like to see the new treatment plant and asked if it would be made available to other adjoining property owners. He wanted the board to explain accepting the 12.5 acres of water front property. He believes the board would be setting a precedent if the project was approved.

Mr. Geilich stated the donated property has nothing to with this issue.

Grey Garland said he supports the New Tides', LLC idea of permanent ownership.

Victoria Meck stated in 1978 she moved to The Green and believes this is a good project for Lancaster County. She supports the project and asked the board to approve.

Nancy Newland stated she works at the Tides and lives at The Green and supports the project.

Another citizen stated he lives directly across the creek in Weems and he has been looking at The Lodge since 1997. He is in favor of this project and does not believe that the traffic would be that great. He said he supports this project as it is the best use for this property.

Jim Cromley, Comptroller for the Tides Inn stated Sedona has already a made significant economic investment in this area. There will be public access to the water. Citizens of the county would have good, full-time jobs year around. The level of business cannot support year round jobs; however, this project can do that. He asked the Board of Supervisors to support this project.

Anabella, the owner of Premium Sailing, said she supports this project and public access to the water. Traffic is currently not a problem and should not be an issue.

Charles Marchetti, Jr. stated he was in opposition to the project because the building is too tall and the color scheme is wrong.

Raymond Britt said he lives on The Green. He stated they have water and sewage problems and can't wait for a new system. This project is perfect for the area because we could have a hotel sign flashing as an alternative. The condos would probably be occupied by part-time residents.

David Smiley stated the density is not that great, and the Lodge was already a hotel. There should not be a problem with the traffic. He asked the Board of Supervisors to support this project.

Becky Boyer said the project is too dense and high.

Mr. Frere closed the public hearing.

Mr. Geilich stated it appears that there is a 50/50 split among the people who support or oppose the project and two of the main concerns are density and aesthetics.

Mr. Frere stated he was supportive of the project. He it would create jobs and improve the infrastructure. He does not believe this project creates or sets precedent. Public access to the water is what's needed here in Lancaster County.

Mr. Palin said he has sincerely listened to both sides and he supports the project. We need to look at the big picture and help The Tides and Golden Eagle

so that more jobs can be created. This project could increase tax revenue without raising the tax rate.

Mr. Palin made a motion to approve the Application for Change of Zoning Classification for New Tides, LLC with conditional zoning from R-1 to R-2 with acceptance of the following proffers and non-enforceable commitments.

1. To proffer enough additional waste treatment capacity, either through an enlarged Tides Utilities North waste water treatment plant or through providing a connection to the Town of Kilmarnock sewer system, to handle the proposed Pointe development and about 100 neighbors and residents around the Tartan Golf Course and on Carters Creek including the Greentown Road area.
2. To promise to provide to Lancaster County, at least, 12.5 acres of land on a neighboring site identified on the site plan to be used as a nature and recreational park with public water access to Taylor's Creek as is illustrated on the site plan. This land can be provided in fee to Lancaster County or as suggested in the Community Plan, NTLLC can provide the land as a donation of a conservative easement where it states: "The County may also make an outright purchase of the conservation easement or in the rare case of a landowner with enlightened self interest, accept the donation of a conservation easement." The balance of the property will be retained by NTLLC for residential development only.
3. To proffer with Virginia Institute of Marine Science (VIMS) and Virginia Maine Resources Commission (VMRC) and the wetlands officer of Lancaster County to design and implement a model Shoreline Management Plan for the site, and to help Lancaster County meet one of the Lancaster County Comprehensive Plan recommendations by

continuing to work with VIMS and Lancaster County to host educational seminars for the County’s waterfront landowners.

4. To have Sedona Resorts and The Tides Inn Support the development of any “Entrepreneurs Program” in Lancaster County that will assist in the promotion of, and training for, small business development in the County, by providing “pro bono” management and technical staff from these two entities for up to sixty hours per year for the initial start up and organization of this effort. This commitment helps the county fulfill an important LCCP objective for encouraging and assisting entrepreneurs to move from employment to ownership of local businesses.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Abstain
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Request for Special Exception – New Tides, LLC – Mr. Larson introduced a request for a Special Exception by New Tides, LLC to operate a yacht club with restaurant on property described as Tax Map #27B-3-1 and #27B-4-1/1A/1B and is in Voting District 5.

Mr. Larson said the public hearing of this request has been advertised and adjoining property owners notified as required by law. To date, there has been no input from adjoining property owners or interested members of the public concerning this request.

Mr. Frere opened the public hearing. There was no public comment. The public hearing was closed.

Mr. Frere made a motion to approve the Master Plan with 56 slips, no boat lifts and no facility for any marina repairs.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Abstain
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

CONSENSUS DOCKET

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

A. Minutes for August 26, 2004

Recommendation: Approve the minutes

B. Disaster Recovery Fund

Recommendation: Adopt the following Resolution:

DISASTER RECOVERY FUND

WHEREAS, the Virginia Department of Housing and Community Development has made funds available to eligible local governments for funding under the Disaster Recovery fund; and

WHEREAS, the County of Lancaster is eligible for Virginia Community Development Disaster Recovery funding in 2004; and

WHEREAS, Lancaster County has met all Citizen Participation Requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Lancaster County, Virginia, wishes to apply for Virginia

Community Development Block Grant funds to aid homeowners whose property was damaged by Hurricane Isabel

BE IT FURTHER RESOLVED, that the amount of Virginia Community Development Block Grant funds requested for the Block Grant is \$144,773.04; and

BE IT FURTHER RESOLVED, that \$38,747.01 of homeowner proceeds has been committed to the aforesaid Block Grant project; and

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to sign and submit all appropriate contacts/agreements related to a Virginia Community Development Block Grant and to execute the Block Grant Agreement when the project has been approved.

C. Domestic Violence/Sexual Assault Awareness Month

Recommendation: Adopt the following Resolution:

**DOMESTIC VIOLENCE/SEXUAL ASSAULT
AWARENESS MONTH**

WHEREAS, domestic violence and sexual assault are violent crimes that affect people of all races, ages, income levels and sexes; and

WHEREAS, the crimes of domestic violence and sexual assault violate an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control or abuse; and

WHEREAS, in the United States, more than three women are murdered by their husbands or boyfriends every day and approximately one million

incidents of domestic violence and 250,000 rapes and sexual assaults are reported annually; and

WHEREAS, one in four women will be raped in their lifetime, one in three girls and one in six boys will be sexually assaulted by the age of 18 and 80% of the children assaulted will know the person that assaulted them; and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence and sexual assault cost the nation billions of dollars annually in medical expenses, police costs, courts costs, shelters, foster care, sick leave, absenteeism and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to these heinous crimes.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors proclaims the month of October as Domestic Violence/Sexual Assault Awareness Month and urges all citizens to participate actively in the scheduled events and programs to eliminate the use of personal and institutional violence against victims of these crimes.

D. VACo Annual Conference – Voting Credentials

Recommendation: Designate Mr. Palin as the county’s voting delegate and the county administrator as the alternate voting delegate

E. Partial Release of Performance Bond – Robert B. Bragg, III

Recommendation: Release \$53,874.00 of the bond based on partial completion for Oak Hill Subdivision

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Department of Environmental Quality Consent Order – Lara Landfill – Mr. Eades, County Administrator for Northumberland County stated in December 2003, the Board of Supervisors of Lancaster County, Richmond County and Northumberland County met to review a report from the Virginia Department of Environmental Quality regarding the Tri-County Landfill (Lara) closure. The three Boards of Supervisors asked the respective county administrators to develop a resolution to DEQ’s concerns about the landfill.

Mr. Eades said in order to resolve issues raised by the DEQ, additional wells have been drilled at the property line of the Lara Landfill. The three county administrators were concerned that one of the sample wells had a regulated metal and other organic compound levels higher than permitted by DEQ, was located so close (or actually into) the trash, that the higher levels were an anomaly and not evidence of substances leaving the Lara property. As suspected, once the new wells were drilled, the level of contaminants are now either non-existent or at levels below that required by DEQ. Approval of this consent order will resolve the issues raised by DEQ last year.

Mr. Beauchamp made a motion to approve the negotiated Consent Order developed by the Virginia Department of Environmental Quality, the three county

administrators, Culpeper Engineering and legal counsel and authorize the county administrator to execute the document.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Ambulance Billing Fees and Policies – Mr. Hudson stated Diversified Ambulance Billing was approved to serve as the ambulance billing and collections service for Lancaster County. The Department of Emergency Services has developed a billing fee schedule for services rendered and a recommended billing policy to be adopted by the Board of Supervisors.

Mr. Beauchamp made a motion to approve the Ambulance Billing Fees and Policies and authorize the County Administrator to proceed with negotiations and execute a contract with Diversified Ambulance Billing (DAB) and advertise the ordinance for next regular Board of Supervisors meeting on October 28, 2004.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Installation of Generator at County's Emergency Operations Center – Mr. Hudson stated the Department of Emergency Services has developed an agreement with the Kilmarnock – Lancaster County Volunteer Rescue Squad for the use of their buildings as the Emergency Operations Center for Lancaster County. The Department of Emergency Services requested proposals for the installation and

service of a generator that would service both the Rescue Squad and the Emergency Operations Center as a result of this agreement.

Mr. Palin made a motion to approve the proposal submitted by Paul A. Ryan, Inc. for Installation of Generator at the County's Emergency Operations Center and authorize the County Administrator to proceed with a contract.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. County's Emergency Operations Center Agreement – Mr. Hudson stated the Department of Emergency Services has developed a draft agreement with the Kilmarnock – Lancaster County Rescue Squad for the use of their building as the Emergency Operations Center for Lancaster County. The County has offered the Kilmarnock Rescue Squad a generator up-grade and an up-grade of the base radio station in exchange for the use of the building during emergencies. The cost of the radio system and generator upgrade will be paid out of 2004 Homeland Security Grant funds. This agreement has been reviewed and approved by the County Attorney.

Mr. Beauchamp made a motion to approve the County's Emergency Operation Center Agreement and authorize the County Administrator to execute the agreement.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Preliminary and Final Subdivision Plat Approval – Paynes Creek Farm Section II

Mr. Larson stated Richard D. Wilson and J. Gary Maynard are submitting a subdivision plat for the Board of Supervisors final approval. This plat represents an additional six lots to the existing Paynes Creek Farm Subdivision that is located at the end of VSH 625, Paynes Road, in Voting District 1.

Mr. Larson stated the Subdivision Committee approved Paynes Creek Farm Subdivision, Lots 7-13, on January 11, 1977 and that portion of the subdivision was recorded on January 12, 1977. Lots 1-6 appear to have been created through a series of subdivisions prior to that date. Mr. Larson stated he has been unable to find any record of those subdivisions coming before the Subdivision Committee for approval. As a general statement, all lots, including the six proposed (Lots 14-19) are well designed, spacious building lots. The proposed lots, as evidenced by the checklists, meet current requirements in all respects.

Mr. Larson said the issue is the subdivision road serving as ingress and egress for Lots 8-13. It has never been built in the 37 years since that section was approved. He feels that the Board of Supervisors should make approval of the proposed Section 2 contingent on the posting of a performance bond and, at the very least, initiation of work on this road.

Mr. Larson said staff recommends approval contingent on applicants posting performance bond and proceeding to completion of the previously approved subdivision road.

Mr. Jenkins made a motion to approve the Preliminary and Final Subdivision Plat Approval for Paynes Creek Farm Section II with the conditions described by Mr. Larson.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

6. Transfer Funds from Capital Improvement to General Fund – High School and Middle School Fencing Project - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received the following request for payment from Dr. Latimore for payment to Mill End Carpet in the amount of \$17,929.00 for the installation of carpet at the middle school.

Mr. Frere made a motion to approve the expenditures and appropriate \$17,929.00 from the Capital Improvement Account to the General Fund to cover the expenses for the installation of carpet at the middle school.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

7. Regional Local Emergency Planning Committee - Mr. Pennell stated as a result of the Board of Supervisors previous actions to assist in forming a regional response to emergency situations, it is necessary to establish a Regional Local Emergency Planning Committee. The resolution accomplishes this action and designates certain individuals to comprise the board of directors.

Mr. Pennell said he would be pleased to contact local citizens fitting the resolution requirements to determine if any are interested in participating in the regional committee. Because it will soon be necessary to establish a local committee to aid in Lancaster County's planning for emergency situations. This regional group can serve as the core of the local committee and be augmented by additional emergency planners.

Mr. Frere made a motion to adopt the following resolution to establish a Regional Local Emergency Planning Committee and authorize the county administrator to identify individual to fill the positions:

REGIONAL LOCAL EMERGENCY PLANNING COMMITTEE

Whereas, the Counties of the Northern Neck are required by SARA Title III to appoint a Local Emergency Planning Committee to oversee the development and maintenance of a Hazardous Materials Response Plan; and

Whereas, the Virginia Emergency Response Council has been requested and has given its approval to establish a joint Local Emergency Planning Committee; and

Whereas, the Northern Neck counties established a Regional Local Emergency Planning Committee in 1998; and

Whereas, the Northern Neck Counties have since adopted a Regional Emergency Operations Basic Plan in 2003; and

Whereas, the Northern Neck Counties have received grant funding from FEMA and VDEM to develop a Regional Hazard Mitigation Plan to satisfy the Disaster Mitigation Act of 2000; and

Whereas, the Northern Neck Counties have received grant funding from VDEM’s Citizen Corps Program to establish a regional volunteer citizen’s corps; and

Whereas, the Northern Neck Counties have requested the Northern Neck Planning District Commission to be responsible for the development and maintenance of the Regional Emergency Operations Basic Plan, Hazardous Materials Response Plan and Hazard Mitigation Plan, and administration of the Citizen’s Corp Program, under the supervision of a re-constituted Regional Local Emergency Planning Committee.

Now Therefore Be It Resolved, that the Lancaster County Board of Supervisors approves the re-establishment of the Northern Neck Regional Local Emergency Planning Committee, as attached, to supervise the development and maintenance of the Regional Emergency Operations Basic Plan, Hazardous Materials Response Plan and Hazard Mitigation Plan, and administration of the Citizen’s Corps Program, and appoints the County’s representatives as follows:

1. County Director of Emergency Services or designee
2. County Administrator or designee
3. County Building Official or designee
4. County Fire and Rescue representative
5. County Land Use Office representative
6. County Sheriff’s Office representative
7. County Citizen or Community-group representative
8. County Faith-based representative
9. County Business representative

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye

Peter N. Geilich	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

8. RFP for Mapping Display System and Map Conversion Service – Mr. Pennell asked that this item be removed for the agenda.

By consensus of the board the RFP for Mapping Display System and Map Conversion Service was removed.

9. RFP for Document Imaging Software – Mr. Pennell stated Mr. Rowe, Director of General Services has advertised an RFP for Document Imaging Software to be utilized by the Commissioner of the Revenue to scan and electronically archive prior years’ real estate tax cards and personal property forms, thereby reducing on-site storage requirements for old records and freeing up valuable floor space. The software could be used by other county offices to address similar space problems and later enhanced to allow or internet/intranet sharing of county records.

Mr. Pennell stated the county received bids from Reams Document Imaging, Fairfax Imaging, Inc. and Perceptive Software, Inc. The bid results were as follows:

Reams Document Imaging	\$16,715.00
Fairfax Imaging	\$57,485.00
Perceptive Software	\$43,654.10

Mr. Pennell said Mr. Rowe indicated that Perceptive Software’s bid contains a number of additional software licenses not specifically requested in the RFP. Reducing the number of licenses to met the intent of the RFP would reduce their bid to \$24,454.10. Fairfax Imaging System requires a hardware/software configuration which was beyond the scope of the FRP. Specifically, they are

proposing a separate server (hardware) to run their document imaging system. It was our intent to operate the system on an existing computer which currently used only for file storage, has more than adequate hard drive space and has an external tape drive for data backup purposes. Reams Document Imaging is a Virginia company based in Newport News with a reputation for providing document imaging solutions to other Virginia government agencies and school districts.

Mr. Jenkins made a motion to accept the bid of \$16,715.00 from Reams Document Imaging.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

10. Transfer Funds from Capital Improvement to General Fund – High School and Middle School Fencing Project - Mr. Pennell stated the Lancaster County Board of Supervisors directed that future expenditures from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors.

Mr. Pennell said he has received two requests for payments from Dr. Latimore for payment to Pompei, Incorporated for the replacement of the terrazzo floor in the middle school and Mactec Engineers for work performed on the primary school roof project.

Mr. Beauchamp made a motion to approve the expenditures and appropriate \$16,021.00 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

11. Approval of September 2004 Salaries and Invoice Listings

Motion was made by Mr. Frere to approve the Salaries for September 2004 in the amount of \$148,971.71 and Invoice Listings for September 2004 in the amount of \$546,425.02.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

BOARD REPORTS

None

COUNTY ADMINISTRATOR

Mr. Pennell stated the Rappahannock River has been closed from Totusky Creek to Lancaster Creek because of runoff from Hurricane Gaston.

CBLAD Report

Mr. Larson stated they met with Mr. Joseph Maroon, Executive Director, Mr. C. Scott Crafton, Assistant Director, and Beth Baldwin, CBLAD on September 8, 2004. At the meeting they raised the number of inconsistencies in our existing Chesapeake Bay

Preservation ordinance. Mr. Frere, Mr. Pennell and Mr. Larson advised that the Board of Supervisors may be willing to amend the Chesapeake Bay Preservation ordinance to address six of the ten conditions, but would probably not revise the ordinance to address the remaining four conditions. According to Ms. Baldwin the CBLAD board met and has voted to forward our situation to the Attorney General for action.

ADJOURNMENT

Motion was made by Mr. Geilich to adjourn.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye