

**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, July 31, 2014.

Members Present:            B. Wally Beauchamp, Chair  
   Jason D. Bellows, Vice Chair  
   F. W. Jenkins, Jr., Board Member  
   Ernest W. Palin, Jr., Board Member  
   William R. Lee, Board Member

Staff Present:                Frank A. Pleva, County Administrator  
   Don G. Gill, Planning and Land Use Director  
   Crystal Whay, Building/Land Use Secretary

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

**PUBLIC INPUT**

Mr. Nick Ferriter, a District 1 citizen, stated that on behalf of the Northern Neck Chapter of the Native Plant Society, he wanted to commend VDOT and Robert Harper for obtaining signage that will protect the native plants, particularly the azaleas.

Mr. George Bott, a District 1 citizen, stated that he wanted to thank VDOT for the excellent job that was done on the section of VSH 354 between Morattico Road and Route 3 and added that it was a pleasure to drive on.

**PRESENTATIONS**

None.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. David Brown, the VDOT Northern Neck Residency Administrator, stated that the primary mowing has been completed and the secondary mowing should be completed next week. He stated that they will be cutting vegetation and working on potholes and low shoulders.

Mr. Brown stated that VDOT would be starting the rural rustic work on Squires Road (Route 676) in August and then move on to Whites Lane (Route 619), with anticipated completion in the fall.

Mr. Brown referred to the intersection between Route 3 and Route 688 in Kilmarnock and stated that the town has requested that VDOT look into reinstalling the left turn lane. He stated that they are looking into the issue and will keep the Board informed.

Mr. Palin referred to the intersection of Courthouse Road and Route 3 and asked if the vegetation could be cleared back for better visibility.

Mr. Bellows stated that some of the signage on Poplar Neck Road needs to be corrected.

Mr. Beauchamp stated that the president of the Quarters Cove Homeowner's Association had contacted the County about having VDOT conduct a speed study as a first step towards having a golf cart community there. He stated that the roads involved would be VSH 1090, 1092 and 1093. He asked that Mr. Brown advise Mr. Gill about the progress of the study.

Mr. Pleva asked Mr. Brown to explain about the criteria involved with golf carts accessing state roads.

Mr. Brown stated that golf carts must use roads that are posted 25 miles per hour or less. He stated that golf carts can cross perpendicular to a roadway that is posted 35 miles per hour, but they cannot drive on it. He stated that when a request comes in for a golf cart community, it is evaluated by the County and discussed with VDOT.

## **PUBLIC HEARING**

1. Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by Atlantic Metal Products, Inc., owner; and Randy L. Moubray, contract purchaser

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

Mr. Gill stated that the issue was the application for change of zoning district classification from R-1, Residential, General to C-1, Commercial (Conditional) by Atlantic Metal Products, Inc., owner and Randy L. Moubray, contract purchaser for a 6.35-acre parcel described as Tax Map #28-26D located at 1740 Irvington Road in District 4.

Mr. Gill stated that the contract purchaser wishes to use the existing structures on this site as a satellite location to expand his current marine repair and welding business located in Kilmarnock, but cannot do so under the current R-1 zoning and seeks to rezone the parcel to C-1, Commercial. He stated that Mr. Moubray has taken the list of permitted uses in the C-1 District and lined through the unwanted ones to help with his request. He stated that Mr. Moubray had indicated that he would present a signed and notarized proffer to the Board of Supervisors to formalize this conditional rezoning request. He stated that the sale of the property was contingent upon a successful rezoning.

Mr. Gill stated that the property had been used in the past as the headquarters for One Whay Sanitation Company, which included underground septic storage tanks and a sewage treatment facility. He stated that the property was previously zoned A-2, Agricultural General and obtained the special exception required for underground storage of sewerage on March 30, 1995. He stated that later that same year, the Board of Supervisors rezoned the parcel to R-1, Residential General as part of a mass rezoning of properties along Irvington Road and that action made the parcel's sewage sanitation use authorized non-conforming since underground storage of sewerage was not a permitted use in the R-1 District, but it existed prior to that R-1 rezoning. He stated, therefore, a similar sewage sanitation use would still be permitted on this parcel, but the proposed marine repair and welding would not, since that use is also not a permitted use in the R-1 District.

Mr. Gill stated that this rezoning request is considered reasonable and appropriate, as nearby parcels have business or commercial uses. He stated that the parcel is adjacent to the Lewis General Repair Shop, which is also an authorized non-conforming use on an R-1 parcel, and also adjacent to the County Refuse Site for the Kilmarnock area. He stated that it is located in close proximity to the Ransone's Nursery and Maintenance Headquarters, which is an authorized non-conforming use on an A-2 parcel. He stated that it is also located within a half mile of two commercial properties and the King Carter Golf course is located across Irvington Road from the proposed rezoning parcel.

Mr. Gill stated that the Comprehensive Plan suggests that commercial activity be located in or near the towns and in or near traditional village areas. He stated that this parcel is less than a mile from the Kilmarnock town limits and is adjacent to the county's Primary Growth Area, the triangular shaped area between the three incorporated towns of Kilmarnock, Irvington and White Stone.

Mr. Gill stated that the parcel has an existing entrance onto Irvington Road as well as existing driveways and parking suitable for the applicant's business, which meet zoning ordinance requirements, and that well and septic are obviously not a problem on this site. He stated that the underground sewage storage tanks have been purchased under a separate agreement by Church View Septic Service, Inc. of Middlesex County and will be removed and relocated by that business. He stated that the applicant intends to paint the existing structures and add landscaping to make the property more aesthetically pleasing. He stated that the parcel's current owner, Atlantic Metal Products, Inc., which purchased the property in January 2013, had submitted a letter supporting the rezoning request.

Mr. Gill stated that the Planning Commission conducted its public hearing on this issue on July 17, 2014 and has forwarded this conditional rezoning request to the Board of Supervisors recommending approval by a vote of 5-0-1.

Mr. Gill stated that adjoining property owners had been notified and advertising conducted as required by law and to date, other than the discussion at the Planning Commission public hearing, there has been no input from the public.

Mr. Beauchamp opened the public hearing.

Mr. Moubray introduced himself to the Board.

Mr. Bellows stated that he wanted to commend Mr. Moubray for growing his business.

There was no public comment.

Mr. Beauchamp closed the public hearing.

Mr. Lee made a motion to Approve the Rezoning from R-1, Residential to C-1, Commercial (Conditional) for Tax Map #28-26D.

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

### **CONSENSUS DOCKET**

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

1. Minutes for June 19, 2014 Work Session and Public Hearing, June 26, 2014 Regular Meeting and July 10, 2014 Work Sessions

Recommendation: Approve minutes as submitted

2. Emergency Operations Plan Extension Resolution

Recommendation: Approve the resolution as submitted

**EMERGENCY OPERATIONS PLAN**

**WHEREAS**, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

**WHEREAS**, the safety and protection of citizens and property is of foremost concern to the Board of Supervisors of Lancaster County; and

**WHEREAS**, the Lancaster County Board of Supervisors desires and the Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures; and

**WHEREAS**, the current Emergency Operations Plan expires on August 26, 2014; and

**WHEREAS**, the current Emergency Operations Plan is currently being reviewed and updated to reflect current County operations and in a format that meets local, state and federal expectations, and

**WHEREAS**, that review and updating process is expected to require an additional six months beyond the current expiration date, and

**WHEREAS**, the County wishes to continue its current Emergency Operations Plan until such time as the newly formatted plan is ready for adoption,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Lancaster County hereby re-adopts the current Emergency Operations Plan this 31<sup>st</sup> day of July, 2014.

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of July 2014 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for July 2014 in the amount of \$248,846.38 and invoice listings for July 2014 in the amount of \$847,467.18.\*

\*Capital Improvements - \$160,558.35

\*Loan Interest - \$16,385.05

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

2. Request for Greenvale Creek Jetty Extension Funding

Mr. Pleva referred to a memorandum from Mr. Eddy Whichard, the secretary of the Greenvale Creek Maintenance Association and stated that the request was a follow-up to the previous request for dredging funds, which the Board granted. He stated that the request is for \$14,000 to help with the cost of extending the existing jetty at the entrance of the creek.

Mr. Jenkins made a motion to accept the proposal and provide the shared funding on the jetty construction.

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

3. Request for Proposals for a Revenue Anticipation Note

Mr. Beauchamp asked Mrs. Bonnie Haynie, Treasurer of Lancaster County, to present the issue. He stated that he did not think a revenue anticipation note had been done in approximately seven years.

Mrs. Haynie stated that it had been at least that long. She stated that it appears that they will be about 1.5 million to 2 million shy when covering September and October expenses. She stated that she has asked the Board to authorize a request for proposals that will be looking for 2.5 million to give them some cushion. She stated that Davenport and Company, the County's financial advisor, has prepared a Request for Proposal that will be released tomorrow, if the resolution is approved at tonight's meeting, that would request an interest rate of no more than 2 percent.

Mrs. Haynie stated that Davenport and Company is currently working with Essex and Richmond Counties on revenue anticipation notes as well. She stated that it was her understanding that one of those counties has been awarded an interest rate of three quarters of one percent. She stated that rate is still higher than anything she could invest those funds in.

Mrs. Haynie stated that at the 2.5 million dollar amount and a 2 percent interest rate, it would cost the County approximately \$25,000 for about three to four months of funding. She stated that Davenport and Company will be charging no more than \$5000 for their services.

Mr. Pleva stated that it would be a "not to exceed" figure through December 31, 2014. He referred to the handout from Davenport and Company that had been given to all Board members, which outlines the schedule and what financial institutions might be involved.

Mr. Palin asked Mrs. Haynie to comment on the two funding options.

Mrs. Haynie replied that her preference would be option 2. She stated that option 1 would be that when they close on the 2.5 million, the County would have to accept the total amount and have to repay that amount plus interest accrued by December 31<sup>st</sup>. She stated that option 2 would be a 2.5 million dollar line of credit and the County would only use what it needed as it was needed. She stated that could keep the interest costs down.

Mr. Jenkins stated that the interest rates would be different with the two options.

Mrs. Haynie agreed and stated that it depended upon what the bank proposes as to what option will be chosen.

Mr. Bellows made a motion to Approve the Request for Proposals for a Revenue Anticipation Note.

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

4. FY 15 School Budget Appropriation Request – Kids First Foundation

Mr. Beauchamp asked Mr. Pleva to present the issue.

Mr. Pleva referred to a memorandum from Steve Parker, School Superintendent, and stated that the schools are requesting an additional appropriation in the amount of \$100,000 for grant funds received from the Kids First Foundation. He stated that no local funds would be involved.

Mr. Pleva stated that on June 9, 2014 the School Board voted unanimously to implement a second early preschool class beginning in September 2014 contingent upon Kids First Foundation having commitments exceeding \$100,000 by July 1, 2014. He stated that the school is requesting \$100,000 for the first fiscal year and more funding in subsequent years if the funding holds up.

Mr. Jenkins asked if the grant proceeds had been received.

Mr. Parker replied that he knew for a fact that they had received \$40,000. He stated that Kids First would give them the remainder as it is appropriated.

Mr. Palin stated that he would abstain from the vote to avoid any possible conflict of interest.

Mr. Lee made a motion to appropriate \$100,000 for the FY 15 School Budget Request for the Kids First Foundation.

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

**BOARD REPORTS**

Mr. Jenkins stated that each Board member should have a copy of a document that relates to a proposed purchase agreement between the County of Lancaster and the James Ellsworth Chiles Norris Trust. He stated that the agreement relates to property identified as Tax Map #16-61, which is a 24.997-acre parcel and Tax Map #16-61A, which is a 4.227-acre parcel and the proposed purchase agreement is \$189,000 for the two parcels.

Mr. Jenkins made a motion for the County to endorse the purchase agreement and authorize Mr. Pleva to take the necessary steps to execute the purchase. He stated that there are some important contingencies in the contract and a survey and soil study will need to be completed. He referred to section 7, which states that the County would have the right to end the purchase agreement at anytime during the study period.

Mr. Beauchamp asked Mr. Jenkins to comment on the usage of the property.

Mr. Jenkins stated that the parcels were known as the old fairgrounds property at the intersection of Mary Ball Road and Pinkardsville Road at Brookvale. He stated that the property is located in the geographic center of the County. He stated that sooner or later the County will need an emergency services station as the need for emergency medical services increases and the property's location lends itself well to that need.

Mr. Jenkins referred to the Comprehensive Plan and said that it states there is a need to provide more recreational and cultural activities for our citizens and in his opinion, the property's location is appropriate for that use as well. He stated that his idea would include a rural exposition center, where people could meet. He stated that, at the present time, with the exception of one commercial resort business, there is no place to go to hold a conference or convention in the County. He stated that he thought the County should proceed in a very cautious and financially prudent manner.

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

Mr. Bellows stated that he would like to reappoint Sandra Smyre to the Lancaster County Social Services Board.

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

Mr. Beauchamp stated that he would like to reappoint Page Henley to the Lancaster County Wetlands Board and appoint Glenn Tignor to the Lancaster County Building Code Appeals Board.

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

**COUNTY ADMINISTRATOR**

Mr. Pleva stated that he wanted to let the Board know that Congressman Rob Wittman will be at Lee’s Restaurant Tuesday, August 5<sup>th</sup> at 11:30 a.m. He stated that another event is the school board meeting on Monday, August 11<sup>th</sup> at 7:00 p.m., where there will be a presentation on document imaging and the Board of Supervisors has been invited.

**CLOSED SESSION**

Motion was made by Mr. Beauchamp 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 Consultation, § 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 legal consultation and personnel matters. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.7 (consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel) and § 2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees.)

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

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on July 31, 2014 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Consultation, § 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. Bellows 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. Beauchamp called the question. A roll call vote was taken:

**ROLL CALL**

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

**ADJOURNMENT**

Motion was made by Mr. Bellows to adjourn the meeting until Thursday, August 14, 2014 at 7:00 p.m.

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