

Rappahannock Record

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75¢ Volume 96 No. 5

Thursday, November 1, 2012

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The multi-year painting project on the Robert O. Norris Bridge (above) across the Rappahannock River came to a halt this week as Hurricane Sandy brought wind and lots of rain, interrupting schedules throughout the Northern Neck and Middle Peninsula, and much of the East Coast. This photo was taken at 11 a.m. Monday as high tide approached. Photo by Fred Gaskins

Voters go to the polls on Tuesday

RICHMOND—Tuesday, November 6, is Election Day.

Lancaster County Voter Registrar Susan P. Jett and Northumberland County Voter Registrar Kathy Goddard indicated the polling places remain the same as for the last election. Voters also may refer to their new voter registration cards for their polling place.

Voters will need some form of ID, although not necessarily a photo ID, said Goddard. Acceptable IDs include driver's licenses, registration cards, Social Security cards, utility bills, bank statements and paychecks with the voter's name and address, concealed handgun permits, student IDs, and government agency ID cards.

Candidates

The ballot in Virginia will include four candidates for President and Vice President and two candidates for U.S. Senate. Ballots in the First Congressional District also will have three candidates for U.S. House of Representatives.

The Republican Party candidate for President is Mitt Romney, and Vice President, Paul Ryan. The Democratic Party candidate for President is Barack Obama, and Vice President, Joe Biden. The Constitution Party candidate for President is Virgil Goode, and Vice President, Jim Clymer. The Libertarian Party candidate for President is Gary Johnson, and Vice President, James P. Gray.

U.S. Senate candidates are Republican George F. Allen and Democrat Timothy M. Kaine.

First Congressional District candidates for U.S. House of Representatives are Republican Robert J. "Rob" Wittman, Democrat Adam M. Cook and independent G. Gail Parker.

In Lancaster's District 4, a special election will be held for county supervisor to fill the unexpired term of the late Dr. Jack Russell. William "Billy" Lee was appointed to the interim term and is unopposed for the position.

Questions

There also will be two Constitutional questions on the ballot.

Question 1 asks: Shall Section 11 of Article I (Bill of Rights) of the Constitution of Virginia be amended (i) to require that eminent domain only be exercised where the property taken or damaged is for public use and, except for utilities or the elimination of a public nuisance, not where the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) to define what is included in just compensation for such taking or damaging of property; and (iii) to prohibit the taking or damaging of more private property than is necessary for the public use?

Question 2 asks: Shall Section 6 of Article IV (Legislature) of the Constitution of Virginia concerning legislative sessions be amended to allow the General Assembly to delay by no more than one week the fixed starting date for the reconvened or "veto" session when the General Assembly meets after a session to consider the bills returned to it by the Governor

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'Sandy' slips by with little damage

by Audrey Thomasson

NORTHERN NECK—Hurricane Sandy began churning up area waters and flooding roadways in low-lying areas such as Windmill Point and Morattico as early as Saturday. By Tuesday morning, however, the worst was over and the area escaped with some high tides, moderate winds and lots of rain, but few reports of damage.

About 1,400 homes in the lower Northern Neck lost power, mostly from downed trees. By noon Tuesday, about 500 remained to be restored.

On Monday, the slow-moving Category 1 hurricane delivered gale-force winds and rain, triggering evacuation alerts for hundreds of residents living in trailers or low-lying areas. During a conference call, Gov. Bob McDonnell announced that Lancaster and Northumberland counties would be the hardest hit from the storm, but stopped short of issuing mandatory evacuations, leaving the decision up to local authorities.

Area shelters opened Saturday morning at Lancaster Middle School and Saturday afternoon at Northumberland High School. Lancaster reported some 70 residents took advantage of its shelter while Northumberland reported over 130, many of them from Lancaster.

Northumberland County administrator Kenny Eades said the winds shifted by noon on Monday, blowing northeast, an indication the center of the storm had passed to the north.

"The southern shore of the Potomac River got nailed" resulting in a number of power outages from downed trees, said Eades. But he credited Dominion Power with a quick response. "They must have worked through the restoring power," he said.

Eades reported 1,270 homes lost power in Northumberland.

Only 128 homes reported power outages in Lancaster, according to supervisor Wally Beauchamp from the Emergency Operations Center. Beauchamp also reported that Dominion Power crews were working through the storm to restore power and VDOT crews were removing downed trees from roadways before Tuesday morning.

Public and private schools throughout the area were closed Monday and Tuesday as were county and town offices and courts. Many businesses remained closed until Wednesday.

Rainfall totals ranged from 8.5 inches in Weems to 9 inches in Reedville, according to county officials.

Lancaster's chief of emergency services, Christina Hubbard, said winds increased throughout Monday but sustained winds never passed 35 mph, gusting to 50 mph. The Robert O. Norris Jr. Bridge across the Rappahannock River remained open throughout the storm.

Hurricane Sandy made landfall in New Jersey with 80-90 mph winds, flooding tides and damaging surf, but its broad swath stretched from North Carolina to New England.



Winds and rain from Hurricane Sandy began pounding the Northern Neck Sunday morning flooding many roads in low-lying areas like Windmill Point and Morattico. Rising tides at 9 a.m. Monday put Windmill Point Road (above) under water hours before the 11:20 a.m. high tide mark. Photo by Audrey Thomasson



Waves washed over a dock near Bertrand on the Rappahannock River during high tide at noon on Monday. The worst of the storm was yet to come. Photo by Dan Schomer



The storm surge Monday morning caused the Rappahannock River to flood River Road in Morattico and flow into the marsh on the other side of the road. Photo by Roger Failmezger



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Fax: 804-435-2632
www.RRecord.com

Mr. & Mrs. Frederick A. Gaskins,
General Managers
Robert D. Mason Jr., Editor

J.E. Currell, Publisher, 1927-1993

Published weekly except Christmas week
at Kilmarnock, Lancaster Co., VA.
Periodicals Postage Paid at Kilmarnock, VA
22482 and additional mailing offices.

Postmaster: Send address changes to
the Rappahannock Record, P.O. Box 400,
Kilmarnock, VA 22482-0400

Subscriptions (payable in advance): \$27 per
year in the Northern Neck and Middlesex
County; \$37 per year elsewhere.
Single copy: \$.75.

Member: Virginia Press Association
and National Newspaper Association

Printed on recycled paper.

All items submitted for publication are
subject to inclusion in digital or other
electronic formats for use in other
Rappahannock Record products.

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Oktoberfest serves up seasonal fun

From left, White Stone Mayor Lloyd B. Hubbard watches as Ginger Philbrick and Anne Revere sample chili. Mayor Hubbard was manning the town's chili booth during the chili cookoff at the Oktoberfest celebration Saturday, sponsored by the White Stone Business Association. In addition to the chili competition, the Memory Lane car club sponsored a car show, many vendors participated, there was a costume contest and Legacy provided musical entertainment. Photo by Shannon Rice

Supervisors increase assistant Commonwealth's Attorney pay

by Audrey Thomasson

LANCASTER—The board of supervisors last week authorized an additional \$10,000 to supplement the salary of the county's assistant Commonwealth's Attorney. The enhancement will raise the salary to \$62,497.

The State Compensation Board pays \$45,000 for the position with the remainder supplemented by the county. In making a case for an increase, Commonwealth's Attorney Robert Cunningham said the pay in surrounding counties is substantially more than Lancaster with Northumberland at \$60,000, Westmoreland at \$68,000 and King George at \$57,000.

With the resignation of assistant Commonwealth's Attorney George "Ryan" Mehaffey effective November 1, the raise will benefit his successor.

"We have lost...a valuable member of our team...due to family financial considerations

that have arisen," said Cunningham. "The individual we are losing is making a lateral move to another Commonwealth's Attorney office which pays considerably more for the same position. Our dilemma is that to attract and retain a qualified attorney so we do not face this situation repeatedly, we need to be competitive with other Commonwealth's Attorney offices as to salary."

Chairman Wally Beauchamp's motion to approve the increase passed on a 4-0 vote. Member Ernest Palin was not in attendance due to a death in his family.

In other business, supervisors approved updates to Chapter 2, dealing with shoreline protection, of the county's Comprehensive Plan. There were no public comments.

By a 4-0 vote, the board also authorized Richard Supchak to place a wireless Internet antenna on a two-acre parcel at 5459 Mary Ball Road in Lively.

Kilmarnock mails corrected tax bills

KILMARNOCK—Kilmarnock's personal property and real estate tax bills were mailed to property owners last week. Because of a printing error, however, the real estate bills were mailed a second time.

"The original real estate tax bills show an incorrect due date of November 5, 2012, instead of December 5, 2012," said town manager Tom Saunders. Revised bills with the correct due date were mailed October 19.

Saunders said the town uses a third party printer to complete the bills and mail them directly to citizens. "Unfortunately, the printer changed the date after we had proofed the files," he said.

"We apologize for any inconvenience this may pose to our citizens. Anyone with tax questions should call Judy Stevens at 804-435-1552, extension 22," said Saunders.

Voters

continued from page A1

with vetoes or amendments?

Polling places

On Election Day, polling places will open at 6 a.m. and close at 7 p.m.

Lancaster polling places include:

- District 1, Ruritan Center, 3989 White Chapel Road, Lancaster.
 - District 2, Trinity Episcopal Church, 8484 Mary Ball Road, Lancaster.
 - District 3-precinct 301, White Stone firehouse, 578 Chesapeake Drive, White Stone.
 - District 3-precinct 302, Grace Episcopal Church, 303 South Main Street, Kilmarnock.
 - District 4, Kilmarnock-Lancaster Rescue Squad building, 61 Harris Road, Kilmarnock.
 - District 5, Irvington Baptist Church, 53 King Carter Drive, Irvington.
 - Central Absentee precinct, Voter Registrar's office, 8694 Mary Ball Road, Lancaster.
- Northumberland polling sites include:
- District 1, Callao firehouse, 314 Northumberland Highway, Callao.
 - District 2, St. Stephen's Church, 6538 Northumberland Highway, Heathsville.
 - District 3-A, Northumberland Public Library, 7204 Northumberland Highway, Heathsville.
 - District 3-B, Mt. Olive Baptist Church, 6749 Jessie duPont Memorial Highway.
 - District 4, Wicomico Parish Church, 5191 Jessie duPont Memorial Highway, Wicomico Church.
 - District 5, Fairfields firehouse, 119 Main Street, Reedville.
 - Central Absentee precinct, Northumberland County Courthouse, 72 Monument Place, Heathsville.

Those who have questions, may contact their voter registrar. In Lancaster County, call Jett at 462-5277. In Northumberland County, call Goddard at 580-4655.

Hurricane Sandy causes minimal road damage

FREDERICKSBURG—The Virginia Department of Transportation's 14-county Fredericksburg district was spared any major damage from the heavy rain and high winds of Hurricane Sandy.

As of noon Tuesday, only four roads remained closed throughout the district, two due to flooding and the others due to downed power lines.

The roads closed due to flooding included Harrell Road in Stafford County and Route 1013 in Stafford County. Route 730 in Northumberland County and Route 606 in Westmoreland County were both closed due to downed power lines.

Several other roads throughout the district were posted for high water but were passable. VDOT anticipated the roads that were still closed would be opened later Tuesday.

Crews will continue to monitor roads for downed trees, power lines and debris throughout the day and post warning signs as needed.

Although the threat of the storm has passed, VDOT reminds motorists to:

- Avoid traveling on roads that have been posted for high water or closed.
- Remember that wet leaves can cause slick conditions on roads.
- Be alert to traffic signal outages. Treat intersections as a four-way stop if the traffic signal is out or flashing.
- Call 511 or visit 511virginia.org for up-to-the-minute road conditions and closings.
- Call VDOT's 24-hour Customer Service Center at 1-800-367-7623 to report downed trees and power lines, hazardous road conditions.

Gov. McDonnell requests federal emergency assistance

RICHMOND — Gov. Bob McDonnell on Monday asked for a federal emergency declaration to help Virginia's state and local governments and other agencies respond to and recover from the widespread impacts of Hurricane Sandy.

The request for the federal Public Assistance program would make funding available to cover eligible costs for emergency protective measures and debris removal.

"I don't want to delay the process of getting federal Public Assistance to the local governments that need it," said Gov. McDonnell. "This is a historic weather event—one

we've never seen before—and we expect that there is going to be extensive debris and cost in responding to and recovering from this storm."

This is not a request for federal disaster assistance for individuals. It is too early to begin making assessments about damage to private property. The governor requested Public Assistance for the entire Commonwealth.

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SHERIFF'S REPORT

Northumberland County Sheriff Charles A. Wilkins this week reported charges filed against 13 individuals.

Felony
Ryan E. Nugent, 28, of Heathsville was charged October 29 with grand larceny and driving suspended.

Misdemeanors
A Lottsburg man, 72, was charged October 22 with cruelty to animals.

A Reedville woman, 25, was charged October 23 with obstruction of justice.

A Callao man, 26, was charged October 23 with no county tag for an animal and no rabies vaccination.

A Heathsville woman, 31, was charged October 25 with failing to appear in the Northumberland County General District Court.

A Heathsville woman, 57, was charged October 25 with petit larceny stemming from an incident that occurred in Essex County.

A Farnham man, 65, was charged October 25 by the Richmond County sheriff's office on a fail to appear warrant for Northumberland County General District Court.

A Heathsville woman, 54, was charged October 26 with 29 summonses for failing to provide clean and adequate shelter for animals.

A Heathsville man, 18, was charged October 26 with destroying property. The subject was arrested by the Richmond County sheriff's office.

A Richmond man, 35, was charged October 27 with reckless driving.

A Reedville man, 38, was charged October 27 with an assault and battery warrant from Richmond County.

Volunteer joins county's emergency services office

by Audrey Thomasson

LANCASTER—County officials last week voted to add a volunteer coordinator to the department of emergency services. Willie Howlett will serve in a part-time volunteer position as officer of hazardous and radiological (radio active) materials and deputy emergency coordinator.

Howlett has served as statewide haz-mat response chief and chairman and past president for the Haz-Mat Association. He also has served in leadership roles for several volunteer fire departments including battalion chief in Chesterfield, president in Chester and chief in Providence Forge. He was deputy chief

of Roanoke County Fire and Rescue and James City County Fire and Rescue, both organizations combining volunteer and career fire and EMS agencies.

In addition, Howlett's experience includes positions as emergency services coordinator and county administrator for Bland County.

In 1990, Howlett was selected as Virginia Department of Fire Programs instructor of the year and was an adjunct instructor for the Virginia Community College system. He organized full-scale multi-jurisdictional exercises for fire and rescue personnel and was responsible for supervising the most comprehensive haz-mat accident in Virginia history, the 1994 methane gas incident at a coal mining operation.

With the addition of Howlett, chief of emergency services Christina Hubbard will assume the responsibilities of emergency coordinator, responsibilities that previously fell to county administrator Frank Pleva.

"With his vast experience, Mr. Howlett will make an excellent deputy emergency coordinator," said Hubbard. "No county funds are requested or involved in this matter."

In making the motion to appoint Howlett, chairman Wally Beauchamp thanked him for his volunteer efforts.

He was appointed by a vote of 4-0. Supervisor Ernest Palin did not attend the meeting due to a death in his family.

Deer are on the move: Drivers should use caution

RICHMOND— With the ending of Daylight Saving Time and shorter days, many motorists will be commuting in the dark, increasing the likelihood of their vehicle colliding with a deer. The Virginia Department of Game and Inland Fisheries (VDGIF) encourages drivers to be more cautious as they travel this season.

Fall is the breeding season for deer, and consequently, deer are more active now than at any other time of the year. One-half to two-thirds of all deer/vehicle collisions occur in October, November and December. While less than 2% of vehicle fatalities and injuries involve deer collisions in Virginia, hitting a deer can cause considerable damage to both people and property.

VDGIF wildlife biologists estimate the population of white-tailed deer in the Commonwealth at this time of year to be approximately one million animals. VDGIF sets seasons and bag limits and other hunting regulations to manage the deer population. Each year, hunters in Virginia harvest approximately 250,000 deer. Without hunting, white-tailed deer could double their population within five years, due to their rate of reproduction.

VDGIF recommends the following tips to drivers to avoid hitting a deer:

- When driving, particularly at dusk and dawn, slow down and be attentive. If one deer is seen, there may be others. If one deer crosses the road, others may follow.

- Deer habitually travel the same areas. Deer crossing signs have been installed by the Virginia Department of Transportation. Use caution when approaching these signs.

- Drivers should apply brakes, even stop if necessary, to avoid hitting a deer, but should never swerve out of the lane to miss a deer. A collision with another vehicle, tree or other object is likely to be more serious than hitting a deer.

- Rely on caution and senses, not deer whistles. These devices have not been shown to be effective.

- Any person involved in a collision with a deer or bear while driving a motor vehicle, thereby killing the animal, should immediately report the accident to a Conservation Police Officer or other law enforcement officer in the county or city where the accident occurred.

- Drivers who collide with a deer or bear, thereby killing the animal, may keep it for their own use provided that they report the accident to a law enforcement officer where the accident occurred and the officer views the animal and gives the person a possession certificate.

Red Cross aids fire victims

REEDVILLE—The second floor of a home in the Reedville area was heavily damaged by a fire on October 12, leaving a family of five without a place to live. Both the Fairfield and Callao fire departments were on the scene.

No one was at home at the time of the fire since the parents were at work and the three children were at school.

Julie Pritchard of the Northumberland Red Cross responded to provide for the immediate needs of the family, which included lodging for four nights in a motel and funds for food and clothing. Assistance to fire victims is locally funded by the Red Cross chapter.

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Richard Henry Lee Chapter of the Sons of the American Revolution president David Bresett presides over the ceremony dedicating bronze plaques at the gravesites of two colonial patriots.

Bronze plaques mark graves of Ball patriots

LIVELY—On October 24, bronze plaques were dedicated marking the gravesites of two colonial patriots interred at St. Mary's White Chapel near Livley.

Presented by the Richard Henry Lee Chapter of the Sons of the American Revolution, the plaques mark the graves of Revolutionary War patriots Colonel James Ball Jr. and his son, Lt. Colonel James Ball III, reported Norm Farley.

The presiding officer was RHLARSAR president David Bresett. Other speakers and presenters included Virginia Revolutionary War Graves Committee chairman Myron E. Lyman Sr., who reviewed the lives of the two patriots and chapter chaplain the Rev. Hugh C. White, who provided the invocation and closing prayer, said Farley. The Rev. Torrence M. Harmon accepted the plaques on behalf of St. Mary's White Chapel.

The ceremony included a processional and hymn on the bagpipes by piper Neal Smart and Taps at the closing of the ceremony by bugler Jay Poundstone. The event was attended by some 30 persons including representatives of the Cobbs Hall chapter of the Daughters of the American Revolution (DAR), White Chapel Church and RHLARSAR.

Tidewater Foundation announces 2012 grants

WARSAW—The Tidewater Foundation recently announced grants to a number of community organizations in the Northern Neck and Middle Peninsula.

The funds for these grants are made possible through the proceeds of The Holly Ball, a 117-year-old traditional, time honored debutante ball which takes place each year in December, according to publicity chairman Patricia Gallagher. In 2012, the Tidewater Foundation granted 21 such contributions, made possible by the proceeds of the 116th Holly Ball in 2011.

Contributions were made to Aylett Country Day School, Chesapeake Academy, Christchurch School, Northumberland Elementary School-Music, Lancaster Primary School-Music, the Lancaster High School Band, St. Margaret's School, Rappahannock Community College and Woodland Academy.

Operation Christmas Child seeks help

White Stone Church of the Nazarene is the local collection point for Samaritan's Purse, Operation Christmas Child. Churches, groups or individuals are urged to pack shoe boxes with simple gifts for children in need.

Booth's Furniture of Kilmarnock will deliver the collected boxes to a distribution center in Poquoson. Local churches and individuals are needed to pack collection boxes and man the collection center November 12 through 19. To volunteer, call Karen Sciacchitano, or Cathy Smith at 435-9886.

The Agenda

Local Government News

WHITE STONE—Lancaster County Treasurer Bonnie Haynie has been invited to address the **White Stone Town Council** tonight (November 1) at 7 p.m. in the town office.

According to town manager Patrick Frere, Haynie was asked to attend the meeting to discuss overpayments made by the county to the town for several years because of a calculation error in the sales tax distribution. Haynie is expected to tell council how much the town needs to repay the county.

In other business, council will discuss specifics of a joint meeting with the Irvington Town Council on November 8. Plans have been in the works for about a month to allow customers and council members an opportunity to voice their concerns over water quality to Aqua Virginia officials.

There are no public hearings scheduled for tonight's meeting. Council will hear monthly reports from committees, Frere and the town police chief.

HEATHSVILLE—The **Northumberland board of supervisors** will meet at 5 p.m. Thursday, November 8, in the county courts building at 39 Judicial Place in Heathsville.

Public hearings scheduled for 7 p.m. include requests from:

- Lori Crawley to establish a two-family dwelling at 5243 Jesse Dupont Memorial Highway in Wicomico Church;

- Bradley L. and Elizabeth J. Worsham to construct a 22' x 38' x 20' open-sided boat-house alongside a proposed pier at 92 Tippers Circle in the Great Wicomico Bluffs Subdivision;

- Robert and Katie Berry of 586 Fox Point Road to reconstruct a portion of an existing dwelling within the seaward 50' of the Resource Protection Area buffer.

- Sharon and David Fine and Susan Elliott to operate a precious metals shop at 25 Sandy Street in Callao;

- Pritchard & Fallin Properties LLC, and Terri and Larry Coleman to operate public amusement (arcade) at 765 Northumberland Highway in Callao;

- Richard N. and Elizabeth K. Rounds of 321 Fairway Drive in the Indian Creek Estates subdivision to rebuild a dwelling that would be partially within the seaward 50' of the Resource Protection Area buffer.

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Found during storm on Rt. 200 in area of Courthouse Rd. near Livley
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Catherine Scott

Mrs. Scott is honored by NAACP

KILMARNOCK—Catherine Scott, who recently celebrated her 93rd birthday, was presented a plaque by the Lancaster County NAACP for her outstanding contribution to the citizens of Lancaster and surrounding counties.

"Mrs. Scott, a resident of the Lancashire in Kilmarnock, was very surprised on receiving the award and thankful that we were thinking about her," said president Lloyd N. Hill. "She expressed best wishes to all."

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Chamber to Hold Annual Membership Meeting

The Lancaster by the Bay Chamber of Commerce announces plans for their Annual Membership Meeting. The dinner meeting will be held Thursday, November 8th, 2012, at the Tides Inn in Irvington.

The Lancaster by the Bay Chamber of Commerce strives to promote the economic vitality of its members, encourage economic development, and enhance the quality of life in the community where we live. "With the economic pressures that we face, the annual dinner is a great opportunity to come together to share war stories, celebrate accomplishments of the year and do our part to keep the enthusiasm going! Good things happen when you get enthusiastic people together," stated chamber President, Thomas Richardson.

Cocktails, music, hors d'oeuvres and silent auction start at 5:30 p.m., dinner at 7:00 p.m., and the keynote speaker, Congressman Rob Wittman at 8:00 p.m.

Tickets are available online at lancasterva.com/events or through The Lancaster by the Bay Chamber of Commerce office at 506 North Main Street, or by calling Edie Jett, Executive Director, at 804-435-6092.



Don't Miss Christmas, November 3rd.

We're celebrating early since it's our last Farmers Market of 2012, our best year yet. Santa is coming and has the most beautiful red suit you've ever seen so please bring your cameras, children, and pets. You'll want to take lots of pictures. Heck, you can even use one as your Christmas card this year. We have so many new vendors, too. Being named the Best Farmer's Market on Virginia's East Coast helps attract just the right gifts and crowd. The market runs from 9 a.m. to 1 p.m. on Irvington Commons.

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Proposed Constitutional Amendments

To be voted on at the November 6, 2012 Election

Full text of Amendment [Proposed new language is underlined. Existing language that is deleted is shown as stricken (~~stricken~~)]

1 Article I. Bill of Rights.

Section 11. Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.

BALLOT QUESTION

Shall Section 11 of Article I (Bill of Rights) of the Constitution of Virginia be amended (i) to require that eminent domain only be exercised where the property taken or damaged is for public use and, except for utilities or the elimination of a public nuisance, not where the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) to define what is included in just compensation for such taking or damaging of property; and (iii) to prohibit the taking or damaging of more private property than is necessary for the public use?

EXPLANATION

Current Constitution and Background

Article I, Section 11 of the current Constitution prohibits the taking or damaging of private property for public uses without just compensation. The power to take private property for public uses is known as the power of eminent domain. If a private property owner and the entity acquiring property for a public use cannot agree on the sale of the property, the property may be taken by eminent domain and the amount of just compensation is decided in a court proceeding.

In a 2005 case from Connecticut, the United States Supreme Court upheld the taking of private property and its transfer to a private business for economic development purposes and also said that states could restrict the use of eminent domain (*Kelo v. City of New London*, 545 U.S. 469). Two years later, the Virginia General Assembly enacted § 1-219.1 of the Code of Virginia and set limits on the use of eminent domain powers. For example, § 1-219.1 provides that no more private property may be taken than is necessary for the stated public use, that the public interest for the taking must outweigh any private gain, and that private property cannot be taken for certain primary purposes such as increasing the tax base, revenues, or employment.

Proposed Amendment

The proposed constitutional amendment continues the approach and concepts set out in § 1-219.1. However, while limits in the Code can be amended by any future General Assembly, the proposed amendment, if approved by the voters, could only be changed by a future constitutional amendment approved by the voters.

The proposed amendment includes the following:

- The right to private property is a “fundamental” right.
- The taking or damaging of private property must be for a “public use.”
- No more property may be taken or damaged than is necessary for the stated public use.
- A “public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services.” Elimination of a public nuisance may be a public use. It is not a public use if the “primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development.”
- Just compensation for property taken is expanded and defined to be “no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking.” The terms “lost profits” and “lost access” are to be defined by the General Assembly, and it has done so by separate legislation that will become law if this proposed amendment is approved by the voters (Chapters 699 and 719, 2012 Acts of Assembly).
- The entity condemning property, known as the condemnor, has the burden to prove that the property is being taken for a public use.

Amend Section 11 of Article I of the Constitution of Virginia as follows:

Article I. Bill of Rights
Section 11. Due process of law; obligation of contracts; taking or

damaging of private property; prohibited discrimination; jury trial in civil cases.

That no person shall be deprived of his life, liberty, or property without due process of law; that the General Assembly shall not pass any law impairing the obligation of contracts, ~~nor any law whereby private property shall be taken or damaged for public uses, without just compensation, the term “public uses” to be defined by the General Assembly; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.~~

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

That the General Assembly shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. No private property shall be damaged or taken for public use without just compensation to the owner thereof. No more private property may be taken than necessary to achieve the stated public use. Just compensation shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The terms “lost profits” and “lost access” are to be defined by the General Assembly. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

2 Article IV. Legislature.

Section 6. Legislative sessions.

BALLOT QUESTION

Shall Section 6 of Article IV (Legislature) of the Constitution of Virginia concerning legislative sessions be amended to allow the General Assembly to delay by no more than one week the fixed starting date for the reconvened or “veto” session when the General Assembly meets after a session to consider the bills returned to it by the Governor with vetoes or amendments?

EXPLANATION

Current Constitution and Background

After the end of every legislative session, the General Assembly is required by the Constitution to meet again or reconvene in a “veto” session. The only bills that the General Assembly can consider in a veto session are bills that it had passed during the legislative session and that the Governor has sent back to it with his vetoes or suggested amendments.

The Constitution now requires that the veto session must begin on the sixth Wednesday following the end of each session. The veto session usually lasts for only one day and cannot last more than ten days.

Proposed Amendment

The only change to Section 6 of Article IV, proposed by this amendment will allow the General Assembly to delay the start of the veto session for up to one week. The General Assembly will be able to avoid the possible scheduling of the veto session on a religious holiday such as Passover. The proposed amendment does not change the present limits on the business that can be considered in a veto session or on the length of the veto session.

Amend Section 6 of Article IV of the Constitution of Virginia as follows:

Article IV. Legislature
Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. Except as herein provided for reconvened sessions, no regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than thirty days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty days.

Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.

The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house. The General Assembly may provide, by a joint resolution approved during a regular or special session by the vote of the majority of the members elected to each house, that it shall reconvene on a date after the sixth Wednesday after adjournment of the regular or special session but no later than the seventh Wednesday after adjournment.

Are You Election Ready?

A new Virginia Voter ID law requires one acceptable form of identification to vote. Acceptable forms of ID include:

- ★ Your Voter Registration Card
- ★ Valid Virginia Driver's License or ID Card
- ★ ID Issued by the Commonwealth of Virginia, a Political Subdivision, or the U.S. Government
- ★ Current utility bill, bank statement or government check with current name and address
- ★ Valid Student ID from any institution of higher learning in the Commonwealth of Virginia.
- ★ For additional acceptable forms of ID, visit www.sbe.virginia.gov, or call 1-800-552-9745.

Deadline to Register to vote
October 15, 2012

General Election
November 6, 2012

Voter Registration Cards will be mailed to registered voters in late-September. Virginia citizens have until October 15, 2012 to apply to register to vote or update their registration information. If you have questions, please call the State Board of Elections at 1-800-552-9745.



Fiction or Fact

from *Bob's Almanac*

by Robert Mason Jr.

With the Halloween season upon us, I thought I'd try my hand at the macabre.

Caught up in the hype of Hurricane Sandy, or Frankenstorm, time got away from me. And here it is, All Hallow's Eve, and I'm without a horror story.

Try as I might, I can't conjure up any ghosts.

Although, I've been entangled in the web of at least one black widow-like woman, I managed to escape before she devoured me.

There also have been a few witches who cast their spells in my direction and a vampirette or two who tried to suck the life out of me.

But neither of the lot are worth the ink.

Anxious to complete a column prior to deadline, the ticking of the clock on the wall is muffled by the pounding in my chest—which leads me to the master of mystery and macabre, Edgar Allan Poe, the inventor of detective fiction and a leading contributor to the genre of science fiction.

Skipping some of his more famous poetry and prose, I turn straight to his tale "The Black Cat." The subject of the title in its own right portrays a feared Halloween symbol.

Considered a study of the psychology of guilt, a murderer—the narrator—conceals his crime believing he has gotten away with it, only to give in to his guilt, break down and reveal his deed.

I'm not going to reveal the entire episode—read it for yourself.

However, I've got to share my favorite passage:

"One night, returning home, much intoxicated, from one of my haunts about town, I fancied that the cat (Pluto) avoided my presence. I seized him; when, in his fright at my violence, he inflicted a slight wound upon my hand with his teeth. The fury of a demon instantly possessed me. I knew myself no longer. My original soul seemed, at once, to take its flight from my body; and a more fiendish malevolence, gin-nurtured, thrilled every fibre of my frame. I took from my waistcoat-pocket a pen-knife, opened it, grasped the poor beast by the throat, and deliberately cut one of its eyes from the socket! I blush, I burn, I shudder, while I pen the damnable atrocity."

How could I possibly compete with that?

Although Pluto has his day, looming out there somewhere in the darkness are cat lovers who'd just as soon ban this work of literary genius.

That's scary.

Focal Point



Oyster mushrooms

Photo by Ron Smith

Submit your interesting photos capturing the life and times in the Northern Neck to editor@rrecord.com, subject line Focal Point.

YESTERYEAR

(Reprints from the November 1, 1912, issue of the *Virginia Citizen*)

Ottoman

Mrs. Columbia Wright and daughter, of Norfolk, are visiting relatives and friends here and at Molusk.

Mr. Ernest Brent shipped twenty-two hogs to Baltimore Monday a week ago, which sold for \$8.90 per hundred lbs.

Dr. and Mrs. Geo. H. Steuart left by Monday's steamer for Baltimore. Mrs. Steuart is going to Prof. Hundley for medical treatment, and Dr. Steuart will visit his parental home in southern Maryland.

L. B. Cottingham is placing timber for a new barn at his home.

The old building in the church yard was torn down last week by members of the church, and a smaller and more modern one is being erected to take its place.

Lancaster Courthouse

The high school here has closed for two weeks on account of an epidemic of diphtheria among the pupils.

Mrs. M. C. Oldham returned on Wednesday from a visit of three weeks to relatives in Stafford County.

Mrs. J. B. McKenney, accompanied by Mrs. Frank P. Brent, spent last Thursday with the former's sister, Mrs. Clarence Squires, at Ocran.

Mrs. A. James, Jr., and little son, Willard, of Irvington, were here recently for a few days with relatives.

Miss Jennie Mae Towles is the

guest of Miss Lila Combs.

Mr. Williams, of Oak Grove, was the guest of J. H. Davenport, a few days last week.

C. M. Gresham is having water works installed in his house and other improvements made.

Willard Hall returned to his home near here Monday greatly improved in health.

Kilmarnock Fair

Within the past few days the managers of the Kilmarnock Fair have added to their already large list of attractions a balloon ascension for each day and a brass band for the full time. Every day or so some new attraction is added and this fair will no doubt be the best one held on these grounds for many years.

Should inclement weather interfere with the first or second day, it will continue on through Saturday.

Irvington

D. W. J. Newbill and Capt. W. L. Messick were in Norfolk Monday.

Ladies' Aid Society tonight at the home of Mrs. F. A. Gunby.

Harry Eli and Vernon Willey are at their homes here for a short stay.

Lancaster School fair at Kilmarnock today, is drawing the interest of many of our county people.

Mrs. W. G. Dunton underwent an operation in Baltimore Wednesday, and is reported as getting along nicely.

(Transcribed by Stephen A. Redd, volunteer of the *Mary Ball Washington Museum and Library*)

Fruit fans

My wife and I were very pleased to read the Rappahannock Record article announcing the seasonal start of the Kilmarnock Seventh-day Adventists Church's community outreach fruit program.

We do not go south for the winter and are not members of this church, but for the past 12 years we have thoroughly enjoyed the pleasures of this fruit outreach program. Their oranges, as well as the grapefruits, are absolutely first class, and are a great treat during the winter months.

The prices are reasonable in comparison with ordering direct from one of the Florida orange groves. For November, a 4/5 bushel box of Navel oranges is \$34 as compared with \$48 plus shipping for 3/4 bushel box from a well-known Florida fruit farm catalog.

We encourage those who may not be aware of this outreach program to give it a try. The more participants there are, the more likely the program will continue to be available here.

The first order deadline of this season for Navel oranges is November 5, for pickup at the church on November 15.

Bob and Marilou Fox, Weems

Saved by the founding fathers

Reading a letter of October 25 entitled "Vote Christian," I conclude that the writer does not believe in individual rights and freedom of religion guaranteed by our Constitution.

I further conclude that she would prefer Evangelical Christian Sharia Law. This is another reason to be thankful for the wisdom and foresight of our founding fathers.

Jack Chamberlain, Lancaster

Evolving library

Over the past year, patrons of the Northumberland Public Library may have noticed changes to our library. Northumberland County citizens can be proud of our library, and here's why.

With the Integrated Library System, you may now reserve and renew books online from your home computer (or Smartphone) day or night, 24/7.

Book cards are out; receipts are in. With our new circulation system, you get a computer-printed receipt listing what you borrowed and when the titles are due.

With a computer network upgrade, Wi-Fi speed has been dramatically increased. A new laptop has been installed for patrons' use.

Seating has been increased by more than 20%.

Books that were damaged, out-of-date, or had not been checked out in over eight years have been removed.

YOUR LETTERS

The staff, including five new part-time employees, has been trained on-the-job in how to use the new Integrated Library System.

In response to frequently asked questions:

- Our insurance policy no longer permits the library to be used unless library staff is present. But we encourage groups to use our library whenever we're open.

- Because of a security risk, Wi-Fi remains unavailable after hours. However, we're working to restore this service in the near future.

- Boxes are being installed for patrons to ask questions and offer comments. We also welcome the opportunity to speak with you personally.

Finally, I invite you to an open house at the NPL from 9 a.m. to 1 p.m. We will have guided tours of the library, refreshments, and the board of trustees and staff will answer questions.

Michelle Dotson, NPL library director, Heathsville

Party affiliation is not a pre-requisite to be a Christian

In response to the letter in last week's paper entitled "Vote Christian" and the notion that one cannot be a Democrat and a Christian at the same time, I would submit two thoughts to the letter-writer.

First, let's suppose that a group of Democrats and Republicans were having a meal with Jesus. Do you think that He would ask the Republicans to join Him and tell the Democrats to go someplace else? Or would He invite all of them to join Him at His table?

Secondly, consider this: if I were someone who was truly "seeking" and considering becoming a Christian, would I be more likely to want to become a Christian after reading your letter, or would I be more inclined to just forget the whole thing?

The last time I checked, God sent Jesus for the whole world. I do not believe that He is checking our political persuasion at the door. It is our job to live, love and serve in life in a Christ-like way and it is the job of our Creator, not us, to judge the heart of the individual.

Nancy O'Shaughnessy, White Stone

Beware of reform schemes

Many plans are being put forward to reform Social Security.

One of the most ill-advised schemes says the U.S. should adopt the social security system established by Chile. While it looks good on paper, the Chilean system is broke and is a disaster for Chilean workers.

In 1976, following a military coup that put General August Pinochet's dictatorship into

power, Chile went to a privatized system in which workers make investments from their salaries into one of several mutual funds. The promise was that the savings would grow over their career, allowing workers to retire with a fat portfolio.

Some claim that, under this system, savings are up, retirement funds are growing, the government is saving money, and everyone is happy. Not one of these claims is accurate.

To transition to the new system, the Chilean government had to pay for the pensions of retirees in the old system. They had to cut government spending on education, infrastructure, and other programs, and raise taxes – and they will be paying transition expenses until 2050.

Exorbitant management fees are destroying at least 25% of individual savings. Although the average rate of return from 1982 to 1986 was 15.9%, the real return after commissions was only 0.3%. Returns between 1991 and 1995 averaged 12.9%, but management fees lowered the return to 2.1%. For a new worker enrolling since 1996, the 3.5% gross yield actually amounted to a 6.8% loss after management fees.

Non-participation threatens the viability of the system. Many workers choose not to participate and part-time or temporary workers—a growing segment of the Chilean workforce—do not participate at all.

Because low-income workers have little income to save, and because women tend to move in and out of the workforce, they find themselves with little or no retirement savings.

Anyone who hopes for a secure retirement needs to stay in touch with reality and avoid such schemes.

Joe Schlatter, Heathsville

Judge not

"Judge not, that ye be not judged," Matthew 7:1. "Thou hypocrite, first cast out the beam out of thy own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye," Matthew 7:5.

Regarding the recent letter entitled "Vote Christian," who died and made you God? Do you think that every Democrat is not a Christian; and that every Republican and Tea Party member is one of the chosen few?

"Many seek the ruler's favour; but every man's judgment cometh from the Lord," Proverbs 29:26.

"Therefore thou art inexcusable, O man, whosoever thou art that judgest; for wherein thou judgest another, thou condemnest thyself; for thou that judgest doest the same things," Romans 2:1.

Whomever your choice may be on November 6, just get out and cast your vote. If you are a Christian, or not, will be between you and your Lord, not between you and the letter writer.

Norma Vanlandingham, Ottoman

Excerpts

As the presidential election and the awarding of the Nobel Prizes are the foci of attention in the news these days, I have been pondering the wealth of individuals over the last century who never received the Peace Prize. Indeed some of them have been subjects of derision, rather than the esteem that they deserved.

A good beginning of this discussion is to look at Herbert Hoover. As president, he presided over the onset of the Great Depression, which he seemed incapable of arresting, but his profound contribution to the betterment of humanity came long before his presidency.

During World War I as Europe was being ravaged by conflict and famine, President Woodrow Wilson appointed Hoover, a brilliant mining engineer, to direct the American Relief Administration (A.R.A.). A Quaker, he had been educated at Stanford University, after which he had pursued his mining interests in China. Wilson placed him at the head of the agency Congress established to feed the starving millions in Europe, from France through to Russia.

The project was daunting, to organize a food system in this country, to collect the food, ship it across the Atlantic Ocean, establish an infrastructure in Europe to

Peace is an elusive quality that requires effort at all levels of society and government, and sometimes those who do the most to achieve it go unrecognized.

receive it, and to distribute it to the hungry in many lands. The project began as the war was raging, and continued into the 1920s when the need was equally as dire. Hoover ran the operation from Washington, presiding over the largest network of relief services ever known up until that time.

In 1921, Wilson's successor, Warren G. Harding, appointed Hoover Secretary of Commerce in his new cabinet, a position he retained during the administration of Calvin Coolidge. In 1928, he was elected to the presidency following Coolidge's retirement. After the A.R.A. Hoover never achieved the level of accomplishment he did during those critical years, and the Nobel Committee never recognized what he had done. He remains to this day the man who fed more

people than anyone else in history, albeit without a Nobel Peace Prize.

Also during the First World War, the Austro-Hungarian Emperor, Karl, sent peace emissaries to the various powers, led by his brother-in-law, Prince Felix de Bourbon-Parma, to work for the cessation of hostilities. Prince Felix was the brother of the Empress Zita, and was related to most of the crowned heads of Europe. On behalf of the emperor, who had succeeded to the throne in 1916 following the death of Emperor Franz Josef, Prince Felix traveled around to the courts of Europe, begging for the killing to stop.

The effort failed and at war's end, Karl and his family were forced into exile on the island of Madeira, where he died at Funchal in 1922 at the age of 35, also without a Nobel Peace Prize. The horrors of the war clearly contributed to his early death, as they did to that of Pope Benedict XV, who also died in 1922, having pleaded for the end of the war throughout his reign that began in 1914, the same year as the Great War, the official name for the First World War.

In 1963, shortly before his death, Pope John XXIII issued his encyclical letter to the world, *Pacem In Terram*, which is Latin for "Peace on Earth." In it he spoke of the pos-

sibility of peace among nations and among peoples, and concretely addressed how individuals could work toward the coming of a just and peaceful world. At the time, the encyclical received wonderful reviews for the cogent and practical measures the Pope addressed, but he did not receive the Nobel Peace Prize, despite having written the work most directly addressing the concept of true peace among people in his time.

Another champion of peace left unrecognized by the Nobel Prize Committee was the post-World War II Chancellor of the Federal Republic of Germany, Konrad Adenauer, who, with American aid, brought West Germany out of the utter destruction of wartime into a bright future.

Before the war he had been Lord Mayor of Cologne until dismissed by the Nazis. After the war when he was already 69, he related that a soldier had offered him poison, saying the postwar years were going to be hard on old people. He declined, and then led the new republic for 14 years. He died at 91 in 1967, also without a Nobel Peace Prize.

Peace is an elusive quality that requires effort at all levels of society and government, and sometimes those who do the most to achieve it go unrecognized. Such are the vagaries of history.

by Henry Lane Hull

**COMMONWEALTH OF VIRGINIA
SAMPLE BALLOT**
County of Lancaster
GENERAL AND SPECIAL ELECTIONS
Tuesday, November 6, 2012

TO VOTE:
1. USE ANY NO. 2 PENCIL (OR THE MARKING PEN IF PROVIDED).
2. COMPLETELY FILL IN THE OVAL TO THE LEFT OF YOUR CHOICE LIKE THIS: ●

To vote for a person not on the ballot for an office, write the name on the line provided and COMPLETELY fill in the oval to the left of that name.

<p style="text-align: center;">President and Vice President (Vote for not more than one)</p> <p><input type="radio"/> REPUBLICAN PARTY Electors for Mitt Romney, President Paul Ryan, Vice President</p> <p><input type="radio"/> DEMOCRATIC PARTY Electors for Barack Obama, President Joe Biden, Vice President</p> <p><input type="radio"/> CONSTITUTION PARTY Electors for Virgil Goode, President Jim Clymer, Vice President</p> <p><input type="radio"/> LIBERTARIAN PARTY Electors for Gary Johnson, President James P. Gray, Vice President</p> <p><input type="radio"/> GREEN PARTY Electors for Jill Stein, President Cheri Honkala, Vice President</p> <p><input type="radio"/> _____</p>	<p style="text-align: center;">Member United States Senate (Vote for not more than one)</p> <p><input type="radio"/> George F. Allen - R <input type="radio"/> Timothy M. Kaine - D <input type="radio"/> _____</p> <p style="text-align: center;">Member House of Representatives 1st District (Vote for not more than one)</p> <p><input type="radio"/> Robert J. "Rob" Wittman - R <input type="radio"/> Adam M. Cook - D <input type="radio"/> G. Gail Parker - IG <input type="radio"/> _____</p>
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Authorized by Electoral Board of the
County of Lancaster
P.O. Box 159
Lancaster, VA 22503-0159

The authority statement printed above must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see §24.2-956.1 of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.

READ BOTH SIDES

PROPOSED CONSTITUTIONAL AMENDMENTS

Question 1: Shall Section 11 of Article I (Bill of Rights) of the Constitution of Virginia be amended (i) to require that eminent domain only be exercised where the property taken or damaged is for public use and, except for utilities or the elimination of a public nuisance, not where the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; (ii) to define what is included in just compensation for such taking or damaging of property; and (iii) to prohibit the taking or damaging of more private property than is necessary for the public use?

YES
 NO

Question 2: Shall Section 6 of Article IV (Legislature) of the Constitution of Virginia concerning legislative sessions be amended to allow the General Assembly to delay by no more than one week the fixed starting date for the reconvened or "veto" session when the General Assembly meets after a session to consider the bills returned to it by the Governor with vetoes or amendments?

YES
 NO

Member
Board of Supervisors
District 4
For unexpired term to end
December 31, 2015
(Vote for not more than one)

William R. Lee



**Set clocks back an hour at
2 a.m. Sunday, November 4.**

In Loving Memory of Julia Ann Northern
The leaves are falling once again. They are beautiful, however it was in November 10 years ago that I lost my mother. So this time of year is hard for me. I miss her so very bad. She was everything to me, a mother, best friend, and a great grandmother to all her grandchildren. Mom we all miss and love you very much.

Debbie Hoffman



The Perfect Gift

The Christmas shopper's go-to catalog for the best local shopping in the Middle Peninsula and Northern Neck

Over 12,000 copies seen by local shoppers!

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FREE COLOR IN ALL ADS!

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at 435-1701 or email
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Sample Ballot for Tuesday's election

Above is sample ballot listing the choices in the General Election next Tuesday, November 6. This sample is for District 4 in Lancaster County, which includes a special election for a member of the board of supervisors. This item (lower right) does not appear on the ballot in other districts. The Constitutional amendment questions are on the back side of the ballot.



Do you remember?

This 1947 image is from South Main Street in Kilmarnock, looking north. Notice the haphazard parking on the right side of the street and the many changes along Kilmarnock's Main Street over the years. "Do you remember?" is a community service of the Kilmarnock Museum.

Former Del. Harvey Morgan receives VACSB Gartlan Award

Former Del. Harvey Morgan recently was presented the Joseph V. Gartlan Award by the Virginia Association of Community Services Boards (VACSB) at their annual fall meeting in Fairfax County.

The award is presented each year by the VACSB to an individual who most reflects Sen. Gartlan's advocacy for those Virginians served by the public system of mental health, intellectual disability and substance use disorder services system, reported Middle Peninsula Northern Neck Community Services Board administrative secretary Perryann P. Whitehurst. A passionate legislator and advocate, Del. Morgan introduced or sponsored legislation and budget amendments totaling \$434 million that sought to increase resources and improve the lives of individuals with a mental health, intellectual disability or substance use disorder, said Whitehurst. Del. Morgan was nominated for the award by the Middle Peninsula Northern Neck Community Services Board.

Remembering the Fairfax Theater

by Bill Kopcsak

Our first visit to the Fairfax Theater was on a cold rainy night in 1974. VCR and DVR had not yet been invented. Our only television set was small, the reception blurry. By rotating the antenna, we got only four channels, ABC, CBS and identical NBC broadcasts from different cities. The decision to go to the movies in Kilmarnock was easy: a big screen, Technicolor, fresh popcorn, Coca-Cola. We lived in a small house on Windmill Point Road then. My wife, Pat, taught second-grade at Chesapeake Academy and I was a young trial attorney. That dark February night, as we drove from White Stone to the movie theater, the road to Kilmarnock was getting slippery. Cold, wet sleet slowed the rhythm of the windshield blades, but warm air belching from our Buick's heater helped. The Fairfax Theater was in the building where the Sports Center is today. Only a few cars were parked on Kilmarnock's Main Street. We parked in front and dashed inside stopping to buy a large container of popcorn and two sodas. The popcorn came with extra melted butter. As we entered the theater, dim lights revealed a single movie screen, fold down narrow upholstered seats and a blue wall clock. There was the unmistakable stale odor from years of spilled sodas, candy and popcorn.

An older couple was already seated. Pat and I chose two seats in the middle section. At seven o'clock, the bright theater ceiling lights came on. We squinted and covered our eyes. From the rear, a voice bellowed, "I'm sorry. We do not have more than six people tonight so the movie will not be shown." As we left the theater, the usher handed me the money for the tickets. With our popcorn and sodas in hand, we ran through slush to our car. The next day, I went to court and told Judge Foster what had happened. He laughed. I looked around the courtroom, counted the people, and said, "Your Honor, we don't have ten people in court this morning. Will you consider acquitting my client and closing court for the day?" He stopped laughing. At least I'd put him in a good mood. The last movie was shown in December of 1989. If you go in the Sports Center today you can still see the ticket window, the two doors that led to the theater aisles and the hole in the wall for the projector. The back wall is where the screen was mounted. The floor has been elevated and leveled to accommodate retail sales. We are indeed lucky to have our very own sports store. But I still miss the movies and the popcorn.

Eminent domain amendment would protect 'the little guy'

RICHMOND—One item Virginia voters will see on the Nov. 6 ballot is a proposed state constitutional amendment regarding the use of eminent domain to take private property. The amendment would, in part, restrict the use of eminent domain to property needed for a public use. That would ensure that condemning authorities cannot take privately owned land and give it to another private entity for development to create jobs or generate revenue. Another element of the amendment includes fair compensation to property owners if they lose access to their property as the result of an eminent domain taking, according to Trey Davis, Virginia Farm Bureau Federation assistant director of governmental relations. Farm Bureau is a major supporter of the amendment, but farmers are not the only people

who've been muscled around by governments and utility companies in eminent domain cases, said Davis. Joel Snively served 22 years as a Marine in posts around the world. Ironically, he said, one of his toughest battles was defending his private property rights at home. Five years ago Snively was approached to allow a utility easement on Stafford County land zoned for agricultural use. "In my case they offered me a certain amount of money for an easement for an underground power line. They almost acted like they were renting the property from me for the purpose of putting a line in," he said. But when he didn't agree to the request, a local court moved immediately to condemn the land through eminent domain. "My land was condemned by a judge with no hearing. I never even got my day in court

before the condemnation. They rammed the case through and then decided to sort out who got what," Snively said. "They said I could farm this land, but they told me I couldn't raise certain crops. My point is now I can't use my land as I see fit. ... In reality they own it except in title. They can restrict my movement on it, they can put up a barrier saying you can't come onto the property, but under current law I still have the tax burden on it." After four years of legal wrangling, Snively reached a settlement and has relocated to Augusta County to pursue his dream of starting a small farm operation. But he said his case is one of many that prove Virginia's constitution needs to be amended. "It's not what they take that's so valuable as what they take from your future," Snively said. "They limit what you can do with the property in the future."

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