

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 28, 2003.

Present: Cundiff H. Simmons, Chair  
F. W. Jenkins, Jr., Vice Chair  
Patrick G. Frere, Board Member  
Donald O. Conaway, Board Member  
William H. Pennell, Jr., County Administrator

Others

Present: Jack Larson, Planning/Land Use; Joe Staton, Carter White and C.C. Burgess, Virginia Department of Transportation; Frank Tetrick, Middle-Peninsula-Northern Neck Community Services Board; William Newborg, CableVision; Charles Rice, Northern Neck Electric Cooperative; Joan Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

None

**PRESENTATIONS**

1. Cable TV/Northern Neck Electric Cooperative – Pole Rent Fees – Mr. William Newborg, General Manager, Cablevision, said they need to terminate expansion of cable TV service in the Corrottoman peninsula because of remarkably higher pole rent fees from Northern Neck Electric Cooperative. He stated when they installed and activated the Nuttsville microwave site to service the Lively area in

1991 the rental rate for Co-op poles were roughly \$10.00 per pole per year. In March 1998 Cablevision entered into an agreement with the Northern Neck Electrical Cooperative for a period of 5 years. The initial rate was \$11.83 per pole per year and increased to \$12.49 per pole per year by the October 31, 2001 billing. In March 2003 cablevision received new pole attachment agreement with a new rate of \$24.29 per pole per year.

Mr. Simmons asked how many citizens would lose service should expansion be terminated.

Mr. Newborg stated approximately 120 homes which would be affected, which is 192 poles and 7 miles of plant.

Mr. Charles Rice, Northern Neck Electrical Cooperative said that the information given by Mr. Newborg of Cablevision was correct.

Mr. Jenkins asked Mr. Rice why the rates increase was so great. The residents at Corrottoman and the surrounding areas in which Northern Neck Electrical Cooperative serve will have to pay higher electrical rates if the poles are not rented out, which would hurt the Co-op membership.

Mr. Rice stated they are still in negotiations with Cablevision.

No action taken.

2. Community Services Board – Report of Activities – Mr. Frank Tetrick stated 801 Lancaster County residents received services for FY03. He said the local contribution for both FY03 and FY04 was \$26,880 and thanked the Board of Supervisors for their continued support. Mr. Tetrick stated his last day as Executive Director would be October 3, 2003. He extended an invitation to the Lancaster County Board of Supervisors to attend the First Annual William F.

Reisner Award in Recognition of his Community Leadership, Dedication and Commitment at Indian Creek Country Club on October 3, 2003.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### Annual Primary System Six Year Plan

Mr. Staton stated the Annual Primary System Six Year Plan meeting would be held on September 23, 2003 at Caroline County Community Center from 3:00 p.m. – 10:00 p.m. allowing citizens to meet with VDOT representatives and voice their concerns. A formal presentation will take place at 7:00 p.m. Lancaster County should continue to request that Route 3 dual lane road be placed back onto the Six Year Plan.

### William O. Norris Bridge

Mr. Staton said the William O. Norris Bridge would be scheduled for regular maintenance starting September 3, 2003 for approximately five weeks. There will be only one lane open from 8:30 a.m. – 3:30 p.m. Monday – Friday.

### VSH 600

Mr. Staton said Mr. Conaway had concerns from a number of citizens about the speed limit on Route 600, Lara Road near Lebanon Baptist Church. The speed limit was reduced from 35 mph to 25 mph and a speed study will be done further down pass the church.

Mr. Conaway thanked Mr. Staton for his help with the Lara Road safety and speed study.

**PUBLIC HEARING**

1. Application for Special Exception Individual Manufactured Home – Harolyn and Derrick Jeter – Mr. Larson said the applicants, Harolyn and Derrick Jeter, are requesting a special exception to place an individual manufactured home on property described as Tax Map #35-161. This property is located at the intersection of Scott Road, VSH 643, and Little Bay Road, VSH 642, near White Stone, Virginia. This property is in Voting District 4.

Mr. Larson stated the Jeters are purchasing an individual manufactured doublewide home that does not meet roof pitch requirements for placement in the R-1 zoning district “by right.” The pitch of the home they are purchasing is 2.48 to 12 whereas the county’s minimum requirement is 3.25 to 12. The sales representative who sold the Jeters their home has stated that 2.48 is the industry standard and that any greater pitch would be a special order, something we tried to avoid in setting the minimum requirement at 3.25. A call to other vendors of manufactured homes did not support the statement that 2.48 is the industry standard. The Jeters have a valid Health Department permit (HDID 151-03-058) for placement of this home and will be required to obtain the necessary building and zoning permits.

Mr. Larson said adjoining property owners have been notified and advertising conducted as required by law. One adjoining property owner has requested information as to the exact location of the subject property. Otherwise, there has been no input from adjoining property owners or other interested members of the public.

Mr. Simmons made a motion to approve the Application for Special Exception for an Individual Manufactured Home for Harolyn and Derrick Jeter.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye

Patrick G. Frere	Aye
Donald O. Conaway	Aye

2. Application for Change of Zoning District Classification – Highbank, LLC – Mr. Larson stated the applicant, Highbank, LLC, has requested to rezone property described as Tax Map #34-211 from R-1, Residential, General to R-2, Residential, Apartment. This property is located off Route 3, Mary Ball Road, near White Stone, Virginia and is in Voting District 5.

Mr. Larson said the applicant has submitted a complete package that addresses all the required elements for a master plan. All units would be outside the 100’ protective buffer. Twenty-four units are proposed which is considerably less than the density of fifty-one that could be allowed. However, there was opposition to this request expressed prior to and during the Planning Commission hearing by adjoining property owners and other interested members of the public, much of it related to density. Concerns were also expressed as to the aesthetics of units that could be viewed from the Norris Bridge, the effect of effluent from septic systems on tidal waters, traffic impact, and the impact of the planned development on the groundwater aquifer(s). Two letters received from adjoining property owners submitted prior to the Planning Commission hearing and the applicable notes of that hearing are attached.

Mr. Larson stated adjoining property owners have been notified and advertising conducted as required by law. Additional information concerning this issue and a rezoning request in the same area has been requested and provided since the Planning Commission hearing. While there has been no additional input from adjoining property owners or other interested members of the public concerning this hearing of the issue, there is every indication that those who have been opposed to this request remain so.

Mr. Prilliman stated the proffers for the Highbank development were to abandon the driveway entry on the southeastern side of Phase II, and relocate access from the drive closest to the recreational area; use existing lane (shown as “to be abandoned”) as principal lane into project and eliminate “15’ wide private land” to the southeast; grant the right to any interested party to upgrade the existing road within the 50’ right of way to state VDOT standards; and provide 50’ vegetative buffer between 50’ right of way and building.

Mr. Staton stated that Highbank, LLC should consider bringing the road from the entrance to the start of the project up to state standards. He said if the road was not brought up to state standard there would be no ditches or drainage easements.

Mr. Simmons asked Mr. Prilliman if there was a 15’ utility easement from the entrance to where the project would start, which is what VDOT requires.

Mr. Prilliman said they would be improving on the current road and the 15’ easement has not been added to the plans, but could be added. They were trying to leave the entrance as natural and rural as possible without removing any of the trees.

Mr. Rawleigh Simmons stated he represent a group citizens that oppose this project. He said according to the Comprehensive Plan, this project should be located close to shopping, and should not have a detrimental effect on neighboring properties. The density is too high for this area and coming across the bridge the vista would be a solid wall of houses. People come here for the rural area. Other concerns are the flowing stream under the bridge to the other side and the hair pin turn which could lead to traffic back up on Route 3 as traffic comes off of the William O. Norris Bridge.

Mr. Robert Cunningham said he was speaking on behalf of his brother James Cunningham who is an adjoining property owner. There is a lack of written notice to adjoining property owners. All properties at River Landing are not R-2, there is a stream under the bridge, there is a signed petition in opposition to the project, and he hopes that this request is denied

Mr. Erich Hohenesee stated he lives on Cherry Point Drive and said he disagrees with the high density in the area and does not believe it meets the requirements of the Comprehensive Plan. He said his other concern was with the hair pin turn and turning into oncoming traffic.

Ms. Elizabeth Hardy said she hopes the Board of Supervisors gives a lot of consideration before approval, because the county would lose quality and texture of being rural.

Mr. John Ray, Jr. said he purchased 5 acres of property 26 years ago. This would be a great error should this project be rezoned and approved. He said Route 689 would take approximately 240 vehicles up to the project area per day. The sewage system would cross Ray Davis lane. He said if this project is approved he would like a fence erected to keep people off his beach.

Ms. Deborah Davis said she lives next to the site and believed the maximum development for the parcel was three single family homes. She stated her concerns were the hair pin turn and how shaving the bank would affect her bank.

Mr. Gordon Fralin said he purchased 15 acres in 1977 and stated this is a nice peaceful area. He does not want to see this type of development in the county.

Mr. John Hill stated the master plan has no provision for boat slips. He said this would be future bases for R-2 for development in this area.

Mr. Jeff Brown said he understand the concerns of the citizens such as the underground stream, sewage system, hair pin turn, and grading the bank. He stated this project meets the requirements of the Comprehensive Plan and the Planning Commission has approved. He believes the density is fine for the area and he is in favor of the project.

Mr. Keith Hudgins said “you can not stop growth, but you can control growth” and would be a great opportunity.

Mr. Charlie Costello said he opposed the Highbank proposed development, because it would change the beauty of Lancaster County as you come across the bridge.

Mr. Michael Sweeny stated he believes the proposed Highbank, LLC project has an elegant look, there is no stream under the bridge, there are no legal documents which would hinder future growth and there are two commercial lots already there in the area. He said he was sure there were standards and guidelines for the entrance of the project.

Mr. Glenn Kelly stated there are no jetties in the master plan, but could be included.

The public hearing was closed by the chairman.

Mr. Frere stated that he shared John Hill’s concerns about community access facilities along the waterfront. However, overall he is in favor of this development. The planned development preserves open space and offers a lot of waterfront access through one parcel. Over 90% of our shoreline has been

developed, or is platted for development, as W-1, waterfront overlay lots. Where possible the county should encourage planned developments on the large remaining waterfront parcels with state road access.

Mr. Larson stated there are some legal concerns about R-2 condo and/or ownership which require legal counsel from the county attorney.

Mr. Conaway said citizens have the “not in my back yard attitude,” however; change is going to come and he was in favor of this project which would bring more revenue to the county. He also stated as long as the project does not risk the health, safety and welfare of individuals he is in favor.

Mr. Jenkins made a motion to table action on the Application for Change of Zoning District Classification for Highbank, LLC until the regular meeting of the Board of Supervisors on September 25, 2003 because there are legal issues which require consultation with legal counsel and concerns with access to the property.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

Mr. Jenkins left the room.

### **CONSENSUS DOCKET**

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

A. Minutes for July 31, 2003

Recommendation: Approve the minutes

VOTE:	Cundiff H. Simmons	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of August 2003 Salaries and Invoice Listings

Motion was made by Mr. Frere to approve the Salaries for August 2003 in the amount of \$137,273.73 and Invoice Listings for August 2003 in the amount of \$426,635.06.

VOTE:	Cundiff H. Simmons	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

Mr. Jenkins returned.

2. Transfer Funds from Capital Improvement to General Fund and Approve

Supplemental Appropriation for FY04 – Mr. Pennell said during the FY04 budget preparation process, the Board of Supervisors directed that future expenditure from the Capital Improvement Account be specifically approved at a regular meeting of the Board of Supervisors. He asked the board to approve the listed expenditures and appropriate \$288,020.42 from the Capital Improvement Account to the General Fund to cover the expenses.

Mr. Pennell stated the following requests for payment from the Capital Improvement Account:

Primary School Classrooms, Dow Construction	\$ 65,435.05
Primary School Classrooms, Dow Construction	656.23

Primary School Classrooms, ECS Consulting	35.00
Sheriff's Cruiser, Ford Credit	3,315.89
Primary School Classrooms, ACA Architects	1,466.25
Primary School Classrooms, ACA Architects	2,300.55
High School Roof, Brothers Construction	36,000.00
Primary School Classrooms, Mactec Engineering	9,300.00
Primary School Classrooms, ECS Consulting	2,219.88
Primary School Classrooms, Dow Construction	<u>167,291.57</u>
	<u>\$288,020.42</u>

Mr. Frere made a motion to approve the listed expenditures and appropriate \$288,020.42 from the Capital Improvement Account to the General Fund to cover the expenses.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

3. Supplemental Appropriation – Deputy R. Brian O’Bier – Mr. Pennell said the salary computation for Deputy Sheriff R. Brian O’Bier used in the FY04 budget computations were incorrect. Bonnie Haynie, Accounts Administrator was not informed that the Compensation Board eliminated Grade 7 from Sheriff’s paygrades.

Mr. Pennell asked the board to approve a supplemental appropriation for FY04 in account number 33100 in the amount \$3,602.00. This would not require additional Lancaster tax payer funding since the position is a compensation board position.

Mr. Jenkins made a motion to approve a supplemental appropriation for FY04 in account number 33100 in the amount \$3,602.00 for Deputy Sheriff R. Brian O'Bier.

VOTE:	Cundiff H. Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Patrick G. Frere	Aye
	Donald O. Conaway	Aye

4. Hills Quarter Road Bond Consideration - Mr. Pennell stated Mr. Frere has asked that the Board of Supervisors consider assisting Mr. Donofrio and Hills Quarter with its road bond renewal. The current bond is due on September 8, 2003 and Jack Larson will call the bond on September 5, 2003 unless there is some resolution of the renewal.

Mr. Pennell stated Mr. Staton with the Virginia Department of Transportation wrote a letter recommending this bond be reduced to \$35,000 “if the roads are paved in your development by September 8, 2003.”

By consensus the Board of Supervisors agreed to approve a reduction of the bond to \$35,000 if the roads in the development were completed by September 8, 2003.

## **BOARD REPORTS**

Mr. Simmons stated he would like the county administrative staff to implement a policy for submission of information for public hearing in order to allow enough time for county staff and board member to properly review. He has requested that Mr. Pennell and Mr. Larson prepare a policy and bring it back to the regular Board of Supervisors meeting on September 25, 2003.

Agreed upon by consensus of the board.

**COUNTY ADMINISTRATOR**

Mr. Pennell stated the county has hired David Scott Hudson as the new EMT Supervisor and he will start on September 8, 2003.

**ADJOURNMENT**

Motion was made by Mr. Simmons to adjourn.

VOTE: Cundiff H. Simmons      Aye  
F. W. Jenkins, Jr.      Aye  
Patrick G. Frere      Aye  
Donald O. Conaway      Aye