

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 30, 2003.

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

Others

Present: Paul Lee, Robinson, Farmer, Cox; Sheriff Ronald D. Crockett;
Anna Lee C. Haynie, Treasurer; George E. Thomas, Commissioner
of the Revenue; Constance L. Kennedy, Circuit Court Clerk; C.
Jeffers Schmidt, Commonwealth Attorney; Peggy Harding,
Registrar; Jack Larson, Planning/Land Use; Carter White and
Clyde Hathaway, Virginia Department of Transportation; Joan
Wenner, Northern Neck News; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Mr. Edward Fuehrer, President, Lancaster County Chamber of Commerce, stated he was responding to the issue of a Letter to the Editor about Windmill Point Properties. The self-imposed deadline for the rezoning and because of the complexity of the undertaking the applicant submitted his proposal in three phrases. The first phase was complete and the second and third were proffered in an outline form with details to be worked out later, pending the board's approval. Both the board and applicant agreed that the information needed for an informed decision were not available at the time of the board's action. Consequently, it is understandable that the board was within its bounds to

defer further discussion on the project. It remains the LCCC opinion that since the Lancaster County Planning Commission had accepted and recommended approval of the application, the board could have acted on the first phase and deferred on the second and third phases and thus preserves the agreement between the buyers and sellers without penalty. The Chamber hopes that the contract to purchase can be revived and the applicant can put together a package in phases or in total for the board. Further, they hope that after the board receives all the information needed to make an informed decision and help find a way to make this a workable project.

PRESENTATIONS

1. Miss Teen Virginia International – Mr. Simmons stated that Kendra Brooke Walker has been selected at Miss Teen Lancaster County International 2003 and will compete for state title of Miss Teen Virginia International in May. He presented Miss Kendra Walker with her banner.
2. Commendation for W. Alex Umphlett, Wetlands Board Chairman - Mr. Simmons said Mr. Umphlett, Chairman of the Lancaster County Wetland Board, has submitted his resignation effective February 1, 2003. Mr. Umphlett served nearly eight years and held the position of Chairman for most of those years.

Mr. Beauchamp made a motion to adopt the following resolution in Appreciation of W. Alex Umphlett's Service on the Lancaster County Wetlands Board.

**IN APPRECIATION OF
W. ALEX UMPHLETT'S SERVICE ON THE
LANCASTER COUNTY WETLANDS BOARD**

WHEREAS, Mr. W. Alex Umphlett was appointed to the Lancaster County Wetlands Board on June 1, 1995; and

WHEREAS, Mr. W. Alex Umphlett served nearly eight years as a member of the Lancaster County Wetlands Board; and

WHEREAS, Mr. Umphlett held the position of Chairman of the Wetlands Board for most of his years of service; and

WHEREAS, Mr. Umphlett took seriously his position of service to the Lancaster County community; and

WHEREAS, Mr. Umphlett provided excellent leadership of Wetlands Board activities and initiated projects which improved the environmental conditions of Lancaster County; and

WHEREAS, Mr. Umphlett, because of personal reasons, submitted his resignation from the Wetlands Board effective February 1, 2003.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors expresses its sincere gratitude for Mr. W. Alex Umphlett's years of service as a member and chairman of the Lancaster County Wetlands Board; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors commends Mr. W. Alex Umphlett for his dedication to the improvement of environmental issues in Wetlands areas of Lancaster County.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

Mr. Umphlett stated it has been a pleasure working with the board and he would like thank for the Board of Supervisors for the support with bills that went before the general assembly, when money was needed for Belle Isle State Park project the board supported, and when he came before the Board of Supervisors to ask for an Inspector the board supported that idea and Micqui Whiddon was hired. She is the best inspector they could hire. He understands that with the general assembly and budget reductions, there is a possibility that funding will not be appropriated for Ms. Whitton's position. He asked the board to consider appropriating funds to keep her on as an Inspector because she's done an excellent job. Her expertises on environmental issues are excellent and he highly recommends her.

3. FY02 Audit Presentation – Robinson, Farmer, Cox – Mr. Paul Lee stated he appreciates all the assistance he receives from county staff and constitutional officers. The financial data collection and reporting by Lancaster County is handled very well. The tax collection percentage remains near 100%. This year, fixed assets were included for the first time, so there is an unqualified opinion by the auditors.

VIRGINIA DEPARTMENT OF TRANSPORTATION

VSH 3 & VSH 201

Mr. White stated VDOT is trying to purchase a right-of-way for a signal at Lively, if unsuccessful VDOT will consider the feasibility of condemnation.

Alternate Route

Mr. White stated the signs requested to go around the Town of Kilmarnock should be erected within the next 30 days.

VSH 3 Bridges

Mr. White said work should begin within the next week and there will be one open lane of traffic at all times. The work should take about two weeks to a month to complete this project.

Legislative Bills

Mr. White stated House Bill 1486 is the Virginia Highway Bridge Fund which separates federal bridge funds from other funds. That ensures that bridge funds would be used just for bridges. He said Del. Pollard does support this bill and VDOT is seeking the Board of Supervisors support.

Mr. White said House Bill 1666 which proposes VDOT accept roads into the highway system with no public service. The current regulation requires three independently owned homes per mile per road section. He said there are roads in the Northern Neck that have been built over 30 years ago with no homes on them and VDOT would have to take them into the system and maintain them. VDOT would like the Board of Supervisors not to support the bill.

Mr. Beauchamp made a motion to send a letter of support for House Bill 1486 and a letter of non-support for House Bill 1666.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

Per allocation Hearing

Mr. White stated the Pre-Allocation Hearing would be held on February 25, 2003 at the School Board Office in Saluda. He said Lancaster County should speak about Route 3 from Lancaster to Kilmarnock and the signal in Lively.

Snow Clean Up

Mr. White said they have had several snow events this year and VDOT has set aside \$40 Million for snow statewide. When those entire funds are used, they will take funds from ordinary maintenance.

Mr. Simmons and Mr. Beauchamp stated the highway department's Lancaster County employees have done an excellent job at snow removal.

Mr. Beauchamp said he has received a number of calls from citizens regarding a number of potholes on James Jones Memorial Highway behind the Northside Grille.

Mr. Beauchamp stated he received a request for the Civic Association in the Town of Weems, signed by seventeen citizens, requesting a speed limit study.

PUBLIC HEARINGS

1. Zoning Ordinance Prosecutor – Mr. Larson stated Paragraph 15-3 of the current county zoning ordinance states that “the commonwealth attorney shall, upon the request of the administrator take legal action to enforce the provisions of this ordinance. In most cases, it is the county attorney who takes legal action to enforce the zoning ordinance. It is felt that the zoning ordinance should reflect this fact.

Mr. Larson said the Planning Commission based their recommendation on comments made by the Planning/Land Use Director to the effect that the Commonwealth Attorney has provided assistance to the Planning/Land Use Director in prosecuting zoning violations that were not of such a legal complexity as to require the services of the County Attorney. It was his concern that he might lose the services of the Commonwealth Attorney by stipulating the County Attorney as the prosecutor. Subsequent discussion with the County Administrator resulted in the view that this would not be an issue and that it would be correct to designate the County Attorney as the prosecutor in paragraph 15.3 of the zoning ordinance. Advertising has been conducted as required by law. To date, staff has received no input from interested members of the public concerning this hearing of the issue. There was also no input from interested members of the public when the Planning Commission heard this issue.

Mr. Larson said the Planning Commission recommends paragraph 15.3 of the zoning ordinance reflects that the County Attorney and Commonwealth Attorney both be identified as the prosecutor in enforcing zoning ordinances.

Mr. Jenkins made a motion to grant approval of changes to Zoning Ordinance Paragraph 15-3 to read: *The county attorney shall, upon the request of the administrator, take legal action to enforce the provisions of this ordinance.*

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Nay |

2. Revised Zoning Ordinance Penalty – Mr. Larson stated the current county zoning ordinance is not consistent with provisions of the state law pertaining to zoning ordinance penalties.

Mr. Larson said the board received a memorandum from the County Administrator dated November 26, 2002 documenting the differences between current state law and our zoning ordinance. Specifically, our zoning ordinance sets a maximum fine of \$250 for a violation whereas state law provides for a maximum fine of \$1,000 for each violation. However, our ordinance treats every day that the violation occurs as a separate offense subject to the maximum \$250 fine. State law provides that the violation must be corrected within a time period set by the courts and does not call for a separate offense determination until ten days after the compliance date. Advertising as required by law has been conducted on this consideration of the issue. As of this date, staff has received no phone calls or other input from interested members of the public. There was also no input from interested members of the public when the Planning Commission heard this issue.

Mr. Larson said the Planning Commission recommends paragraph 15.2 of the zoning ordinance be revised to reflect the provision of paragraph 15.2-2286 of Virginia Code.

Mr. Jenkins made a motion to grant approval of the Revised Zoning Ordinance Penalty paragraph 15.2 to reflect the provision of paragraph 15.2-2286 of Virginia Code. The revised county zoning ordinance should read:

For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more

than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$100 nor more than \$1,500.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

3. Draft Telecommunication Tower Ordinance – Mr. Larson said the control of the placement, construction, and modification of wireless telecommunications towers is a complex issue not now adequately addressed by our zoning ordinances. The purpose of the draft ordinance is to set forth all the requirements necessary to properly manage these facilities.

Mr. Larson stated there has been considerable interest over the last year from telecommunications companies and tower builders who lease space. The need for this ordinance is both high and immediate. Resource International developed the draft ordinance that is consistent with ordinances developed by them for other localities. Coordination with adjoining localities in the placement of towers to achieve optimal coverage, while minimizing the overall footprint of these facilities is critical. The draft ordinance is attached reflecting editorial corrections and modifications approved by the Planning Commission. Adequate protection in the form of performance bonds was the most significant concern raised by the Planning Commission, especially in the event of insolvency of the tower owner/operator.

Mr. Conway made a motion to adopt the following ordinance:

LANCASTER COUNTY ZONING ORDINANCE

Article 25 - AN ORDINANCE REGULATING THE SITING OF WIRELESS
TELECOMMUNICATIONS FACILITIES

Section 1. Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed Lancaster County's (County) authority concerning the placement, construction, and modification of Wireless Telecommunications Facilities. The Lancaster County Board of Supervisors finds that Wireless Telecommunications Facilities (Facilities) may cause an impact to the health, safety, welfare and environment of Lancaster County and its citizens. The County also recognizes that facilitating the development of wireless service technology is an economic development asset and of significant benefit to the County and its residents. In order to ensure that the placement, construction or modification of Facilities is consistent with the County's land use policies, the County adopts this comprehensive Wireless Telecommunications Facilities application and permit process. The intent of this Ordinance is to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval/disapproval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of Lancaster County's citizens.

Section 2. Title.

This Ordinance shall be known as the Wireless Telecommunications Facilities Siting Ordinance for Lancaster County, Virginia.

Section 3. Severability.

3.1 If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining

provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

3.2 Any Special Exception issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect or overturned by a competent authority, the permit shall be void in total.

Section 4. Definitions.

4.1 For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory.

- a. **“Accessory Facility or Structure”** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- b. **“Applicant”** means any Person submitting an Application to Lancaster County for a Special Exception for Wireless Telecommunications Facilities.
- c. **“Application”** means the form approved by the County together with all necessary and appropriate documentation that an Applicant submits in order to receive a Special Exception for Wireless Telecommunications Facilities.
- d. **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.
- e. **“Board of Supervisors”** means the Lancaster County Board of Supervisors.

- f. **“Co-location”** means the use of a Tower or structure to support Antennae for the provision of wireless services without increasing the height of the Tower or structure.
- g. **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not be considered “commercial impracticability” and shall not render an act or the terms of an agreement “commercially impracticable
- h. **“Commonwealth”** means the Commonwealth of Virginia.
- i. **“Completed Application”** means an Application that contains all information and/or data necessary to enable the County to evaluate the merits of the Application, and to make an informed decision with respect to the effect and impact of Wireless Telecommunications Facilities on the County in the context of the permitted land use for the particular location requested.
- j. **“County”** means Lancaster County, Virginia, its governing body and staff.
- k. **“Direct-to home satellite services”** or **“Direct Broadcast Service”** or **“DBS”** means only programming transmitted or broadcast by satellite directly to subscribers’ premises without the use of ground receiving equipment, except at the subscribers’ premises or in the uplink process to the satellite.
- l. **“EPA”** means the State and/or Federal Environmental Protection Agency or its duly assigned successor agency.
- m. **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- n. **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- o. **“Free standing Tower”** means a Tower that is not supported by guy wires and ground anchors or other means of attached or external support.
- p. **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna.

- q. **“Modification” or “Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- r. **“NIER”** means Non-Ionizing Electromagnetic Radiation
- s. **“Person”** means any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.
- t. **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’.
- u. **“Personal Wireless Services” or “PWS” or “Personal Telecommunications Service” or “PCS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- v. **“Special Exception”** means the official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the County.
- w. **“Stealth” or “Stealth Technology”** means minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

- x. **“Telecommunications”** means the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- y. **“Telecommunication Site”** See definition for Wireless Telecommunications Facilities.
- z. **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities’.
- aa. **“Temporary”** means in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
- bb. **“Wireless Telecommunications Facilities”** or **“Telecommunications Tower”** or **“Telecommunications Site”** or **“Personal Wireless Facility”** means a structure, facility or location designed, or intended to be used as, or used to support, Antennas. It includes without limit, free standing Towers, guy-wired Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, or microwave Telecommunications, but excluding those used exclusively for the County’s fire, police and other emergency telecommunications, or exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar telecommunications.
- cc. **“Zoning Administrator”** means the county employee designated by the Board of Supervisors to enforce the provisions of the Lancaster County Zoning Ordinance.

Section 5. Overall Policy and Desired Goals for Special Exceptions for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County’s health, safety, public welfare,

environmental features and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the Board of Supervisors hereby adopts an overall policy with respect to a Special Exception for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- a. Implementing an Application process for person(s) seeking a Special Exception for Wireless Telecommunications Facilities;
- b. Establishing a policy for examining an application for and issuing a Special Exception for Wireless Telecommunications Facilities that is both fair and consistent.
- c. Establishing reasonable time frames for granting or not granting a Special Exception for Wireless Telecommunications Facilities, or recertifying or not recertifying, or revoking the Special Exception granted under this Ordinance.
- d. Promoting and encouraging, wherever possible, the sharing and/or collocation of Wireless Telecommunications Facilities among service providers;
- e. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Section 6. Special Exception Application and Other Requirements.

6.1 All Applicants for a Special Exception for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Board of Supervisors is the statutorily designated agency or body of the community to whom applications for a Special Exception for Wireless

Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special Exceptions for Wireless Telecommunications Facilities. The Board of Supervisors may, at its discretion, delegate or designate other officials of the County to accept, review, analyze, evaluate and make recommendations to the Board of Supervisors with respect to the granting or not granting, recertifying or not recertifying or revoking special Exceptions for Wireless Telecommunications Facilities.

6.2 An application for a Special Exception for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the Application. At the discretion of the Board of Supervisors, any false or misleading statement in the Application may subject the Applicant to denial of the Application without further consideration or opportunity for correction.

6.3 Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the Board of Supervisors or the Zoning Administrator.

6.4 The Applicant shall include a statement in writing:

- a. That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Exception unless specifically granted relief by the Board of Supervisors in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including all applicable County, Commonwealth and Federal Laws, rules, and regulations;
- b. That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the Commonwealth of Virginia.

6.5 No Wireless Telecommunications Facilities shall be installed or constructed until the site plan is reviewed and approved by the Board of Supervisors, and the Special Exception has been issued.

6.6 All applications for the construction or installation of new Wireless Telecommunications Facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the Commonwealth of Virginia. Where this section calls for certification, such certification shall be by a qualified Professional Engineer acceptable to the County and licensed in the Commonwealth of Virginia. The Application shall include, in addition to the other requirements for the Special Exception, the following information:

- a. Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily within the County;
- b. Name, address and phone number of the person preparing the report;
- c. Name, address, and phone number of the property owner, operator, and Applicant, to include the legal form of the Applicant;
- d. Address and tax map parcel number of the property;
- e. Zoning District or designation in which the property is situated;
- f. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
- g. Location of nearest residential structure;
- h. Location of nearest habitable structure;
- i. Location, size and height of all structures on the property which is the subject of the Application;
- j. Location, size and height of all proposed and existing antennae and all appurtenant structures;
- k. Type, locations and dimensions of all proposed and existing landscaping, and fencing;

- l. The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users;
- m. The make, model and manufacturer of the proposed Tower and Antenna(s);
- n. A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
- o. The frequency, modulation and class of service of radio or other transmitting equipment;
- p. Transmission and maximum effective radiated power of the Antenna(s);
- q. Direction of maximum lobes and associated radiation of the Antenna(s);
- r. Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC;
- s. Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer need not be approved by the County;
- t. A copy of the FCC license applicable for the use of Wireless Telecommunications Facilities;
- u. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site, though the certifying engineer need not be approved by the County;
- v. Propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
- w. Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.

6.7 In the case of a new Telecommunication Tower, the Applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s) or use of existing buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the Board of Supervisors.

6.8 The Applicant shall furnish written certification that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all County, Commonwealth and Federal structural requirements for loads, including wind and ice loads.

6.9 The Applicant shall furnish written certification that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

6.10 The Applicant shall furnish a Visual Impact Assessment which shall include:

- a. A “Zone of Visibility Map” which shall be provided in order to determine locations where the Tower may be seen.
- b. Pictorial representations of “before and after” views from key viewpoints both inside and outside of the County, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.
- c. An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

6.11 Any and all representations made by the Applicant to the Board of Supervisors, on the record, during the Application process, whether written or verbal, shall be deemed a part of the Application and may be relied upon in good faith by the Board of Supervisors.

6.12 The Applicant shall, in a manner approved by the Board of Supervisors, demonstrate and provide in writing and/or by drawing how it shall effectively screen from view its proposed Wireless Telecommunications Facilities base and all related facilities and structures.

6.13 All utilities at a Wireless Telecommunications Facility site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to the Uniform Statewide Building Code, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board of Supervisors may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the Board of Supervisors, such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

6.14 All Wireless Telecommunications Facilities shall demonstrate that the Facility is sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facilities sites.

6.15 Both the Wireless Telecommunications Facility and any accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the County.

6.16 At a Telecommunications Site, an access road, turn around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

6.17 A Person who holds a Special Exception for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, Commonwealth, or United States, including but not limited to the most recent editions of the Uniform Statewide Building Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

6.18 A holder of a Special Exception granted under this Ordinance shall obtain, at his/her own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

6.19 An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. Written notification of the Application shall be provided to the Boards of Supervisors of Richmond County and Northumberland County and the Town Councils of Kilmarnock, Irvington and White Stone.

6.20 The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least five additional commercial applications (e.g. future collocations). The scope of this examination shall be determined by the Board of Supervisors. The Telecommunications Tower shall be structurally designed to accommodate at least five additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

- a. The foreseeable number of FCC licenses available for the area;
- b. The kind of Wireless Telecommunications Facilities site and structure proposed;
- c. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;
- d. Available space on existing and approved Telecommunications Towers.

6.21 The applicant shall submit to the Board of Supervisors a letter of intent committing the owner of the proposed new Tower, and its successors in interest, to negotiate in good faith for shared use of the proposed Tower by other Telecommunications providers in the future. This letter shall be filed with the Board of Supervisors. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the Special Exception. The letter shall commit the new Tower owner and its successors in interest to:

- a. Respond within 60 days to a request for information from a potential shared-use applicant;

b. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

c. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

6.22 Unless waived by the Zoning Administrator, there shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. A pre-application meeting may also include a site visit if required. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.

6.23 The holder of a Special Exception shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

6.24 In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three foot diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised, by the Applicant, at seven and fourteen days in advance of the first test date in a newspaper with a general circulation such as the *Rappahannock Record* . The Applicant shall inform the County, in writing, of the dates and times of the test, at least fourteen days in advance. The balloon shall be flown for at least eight consecutive hours between 7:00 am and 4:00

pm of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday.

6.25 The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Telecommunications Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

Section 7. Location of Wireless Telecommunications Facilities.

7.1 Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, 1 being the highest priority and 4 being the lowest priority:

- 1) On existing Telecommunications Towers or other tall structures without increasing the height of the tower or structure;
- 2) On County-owned properties or facilities;
- 3) Collocation on a site with existing Wireless Telecommunications Facilities or structures;
- 4) On other property in the County.

7.2 The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority and the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why permit should be granted for the proposed site and the hardship

that would be incurred by the Applicant if the permit were not granted for the proposed site.

7.3 An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is impractical. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of Commercial Impracticability or hardship.

7.4 Notwithstanding the above, the Board of Supervisors may approve any site located within an area in the above list of priorities, provided that the Board of Supervisors finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants.

7.5 The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Wireless Telecommunications Facilities in the County, and all municipalities adjoining the County, for a two year period following the date of the Application.

7.6 Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Board of Supervisors may disapprove an Application for any of the following reasons:

- a. Conflict with safety and safety-related codes and requirements;
- b. Conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws;
- c. Conflict with the historic nature of a neighborhood or historical district;
- d. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;

- e. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers;
- f. Conflicts with the provisions of this Ordinance.

Section 8. Shared use of Wireless Telecommunications Facilities and other structures.

8.1 Shared use of existing Wireless Telecommunications Facilities is preferred by the County, as opposed to the proposed construction of a new Telecommunications Tower. Where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing Towers and other appropriate structures within four miles of any proposed new Tower Site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.

8.2 An Applicant intending to share use of an existing Telecommunications Tower or other structure shall be required to document the intent of the existing owner to share use. In the event an Application to share the use of an existing Telecommunications Tower does not increase the height of the Telecommunications Tower, the Board of Supervisors shall waive requirements of this Ordinance at its discretion.

8.3 Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the County, to the extent practicable, unless good cause is shown.

Section 9. Height of Telecommunications Tower(s).

9.1 The Applicant shall submit documentation justifying the total height of any Telecommunications Tower, Facility and/or Antenna and the basis therefore. Such justification shall be to provide service within the County, to the extent practicable, unless good cause is shown.

9.2 Telecommunications Towers shall be no higher than the minimum height necessary unless waived by the Board of Supervisors.

9.3 The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Ordinance shall not exceed that which shall permit operation without artificial lighting of any kind, in accordance with County, State, and/or any Federal statute, law, local law, ordinance, code, rule or regulation.

Section 10. Visibility of Wireless Telecommunications Facilities.

10.1 Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by federal regulation or this Ordinance.

10.2 Telecommunications Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Board of Supervisors, and shall be maintained in accordance with the requirements of this Ordinance.

10.3 If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within one thousand five hundred feet of all property lines of the parcel on which the Wireless Telecommunications Facilities are located.

Section 11. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, as follows:

- a. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
- b. Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

Section 12. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or shed of the Applicant and be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the Board of Supervisors shall have allowed such lighting or unless such lighting is required by applicable provisions of this Ordinance. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless required by Ordinance.

Section 13. Lot Size and Setbacks.

All proposed Wireless Telecommunications Facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the Wireless Telecommunications

Facility or the existing setback requirements of the underlying zoning district, whichever are greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

Section 14. Retention of Expert Assistance and Reimbursement by Applicant.

14.1 The Board of Supervisors or Zoning Administrator may hire any consultant and/or expert necessary to assist the Board of Supervisors or Zoning Administrator in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any requests for recertification.

14.2 An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500 with the County shall precede the pre-application meeting. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$2,500.00, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.

14.3 The total amount of the funds set forth in subsection (2) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Board of Supervisors or its consultant/expert to complete the necessary review and analysis and inspection of any construction or

modification. Additional escrow funds, as reasonably required and requested by the County, shall be paid by the Applicant.

Section 15. Exceptions from a Special Exception for Wireless Telecommunications Facilities.

15.1 No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Special Exception for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Special Exception shall be required for those exceptions noted in the definition of Wireless Telecommunications Facilities.

15.2 All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they were approved, provided however, that any modification to existing Wireless Telecommunications Facilities must comply with this Ordinance.

Section 16. Public Hearing and Notification Requirements.

16.1 Prior to the approval of any Application for a Special Exception for Wireless Telecommunications Facilities, a Public Hearing shall be held by the Board of Supervisors, notice of which shall be published in a newspaper of record in accordance with the requirements for such Public Hearings as prescribed in Title 15.2 of the Code of Virginia, 1950 (as amended). In order that the County may officially notify nearby landowners, the Applicant, at the time of submission of the Application, shall be required to provide names and address of all adjoining property owners.

16.2 The Board of Supervisors shall schedule the Public Hearing referred to in Section 16.1 once it deems the Application is complete. The Board of Supervisors, at any stage prior to issuing a Special Exception, may require such additional information as it deems necessary.

16.3 The above provisions notwithstanding, if the application is for a Special Exception for collocating on an existing telecommunications or high structure, where no increase in height of the tower or structure is required, no Public Hearing will be required prior to the approval of the application.

Section 17. Action on an Application for a Special Exception for Wireless Telecommunications Facilities.

17.1 The Board of Supervisors will undertake a review of an Application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

17.2 The Board of Supervisors may refer any Application or part thereof to any advisory or other committee or person for a non-binding recommendation.

17.3 There shall be no public hearing required for an Application to co-locate on an existing Wireless Telecommunication Facility or other structure, as long as there is no proposed increase in the height of the Wireless Telecommunications Facility or other structure, including attachments thereto.

17.4 After the Public Hearing, if required, and after formally considering the Application, the Board of Supervisors may approve, approve with conditions, or deny a Special Exception. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the permit shall always be upon the Applicant.

17.5 If the Board of Supervisors approves the Special Exception for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in

writing within ten calendar days of the Board of Supervisors' action, and the Special Exception shall be issued within thirty days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Special Exception has been granted hereunder, no additional permits or approvals from the County, such as site plan or zoning approvals, shall be required by the County for the Wireless Telecommunications Facilities covered by the Special Exception.

17.6 If the Board of Supervisors denies the Special Exception for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten calendar days of the Board of Supervisors' action.

Section 18. Recertification of a Special Exception for Wireless Telecommunications Facilities.

18.1 At any time between twelve months and six months prior to the five year anniversary date after the effective date of the Special Exception and all subsequent fifth anniversaries of the effective date of the original Special Exception for Wireless Telecommunications Facilities, the holder of a Special Exception for such Wireless Telecommunication Facilities shall submit a signed written request to the Board of Supervisors for recertification. In the written request for recertification, the holder of such Special Exception shall note the following:

- a. The name of the holder of the Special Exception for the Wireless Telecommunications Facilities;
- b. If applicable, the number or title of the Special Exception;
- c. The date of the original granting of the Special Exception;
- d. Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the Special Exception and if so, in what manner;
- e. If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified, then whether the Board of

Supervisors approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;

- f. Any requests for waivers or relief of any kind whatsoever from the requirements of this Ordinance and any requirements for a Special Exception;
- g. That the Wireless Telecommunications Facilities are in compliance with the Special Exception and compliance with all applicable codes, Ordinances, rules and regulations and laws;
- h. Recertification that the Telecommunication Tower and attachments both are designed and constructed (“As Built”) and continue to meet all County, Commonwealth of Virginia, and Federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a qualified Virginia licensed Professional Engineer, the cost of which shall be borne by the Applicant.

18.2 If, after such review, the Board of Supervisors determines that the permitted Wireless Telecommunications Facilities are in compliance with the Special Exception and all applicable statutes, laws, local ordinances, codes, rules and regulations, then the Board of Supervisors shall issue a recertification Special Exception for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, laws, local ordinances, codes, rules and regulations. If, after such review, the Board of Supervisors determines that the permitted Wireless Telecommunications Facilities are not in compliance with the Special Exception and all applicable statutes, laws, ordinances, codes, rules and regulations, then the Board of Supervisors may refuse to issue a recertification Special Exception for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the Applicant receives written notice of such decision by the Board of Supervisors. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

18.3 If the Applicant has submitted all of the information requested by the Board of Supervisors and required by this Ordinance, and if the Board of Supervisors does not complete its review, as noted in Section 18.2, prior to the five year anniversary date of the Special Exception, or subsequent fifth anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities may receive an extension of the Special Exception for up to six months, in order for the Board of Supervisors to complete its review.

18.4 If the holder of a Special Exception for Wireless Telecommunications Facilities does not submit a request for recertification of such Special Exception within the timeframe noted in Section 18.1, then such Special Exception and any authorizations granted there under shall cease to exist on the date of the fifth anniversary of the original granting of the Special Exception, or subsequent fifth anniversaries, unless the holder of the Special Exception adequately demonstrates to the Board of Supervisors that extenuating circumstances prevented a timely recertification request. If the Board of Supervisors agrees that there were legitimately extenuating circumstances, then the holder of the Special Exception may submit a late recertification request or Application for a new Special Exception.

Section 19. Extent and Parameters of Special Exception for Wireless Telecommunications Facilities.

19.1 The extent and parameters of a Special Exception for Wireless Telecommunications Facilities shall be as follows:

- a. Such Special Exception shall be non-exclusive;
- b. Such Special Exception shall not be assigned, transferred or conveyed without the express prior written notification of the Board of Supervisors.

- c. Such Special Exception may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Exception for Wireless Telecommunications Facilities, or for a material violation of this Ordinance after prior written notice to the Applicant and the holder of the Special Exception.

Section 20. Application Fee.

20.1 At the time that a person submits an Application for a Special Exception for a new Telecommunications Tower, such person shall pay a non-refundable application fee of \$5,000.00 to the County. If the Application is for a Special Exception for collocating on an existing Telecommunications Tower or high structure, where no increase in height of the Tower or structure is required, the non-refundable fee shall be \$2,000.00.

20.2 No Application fee is required in order to recertify a Special Exception for Wireless Telecommunications Facilities, unless there has been a modification of the Wireless Telecommunications Facilities since the date of the issuance of the existing Special Exception for which the conditions of the Special Exception have not previously been modified. In the case of any modification, the fees provided in Section 20.1 shall apply.

Section 21. Performance Security.

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the Board of Supervisors to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Exception issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Exception

and/or until the removal of the Wireless Telecommunications Facilities, and any necessary site restoration is completed. *The County shall take all necessary steps to insure continuous protection to include calling of the bond in the event of possible insolvency, cancellation for any reason, or failure to renew in a timely manner.* The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Special Exception and shall entitle the Board of Supervisors to revoke the Special Exception after prior written notice to the Applicant and holder of the permit and after a hearing upon due prior notice to the Applicant and holder of the Special Exception.

Section 22. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Exception for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, Ordinances, regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Section 23. Annual NIER Certification.

The holder of the Special Exception shall, annually, certify in writing to the County that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer must be licensed to practice engineering in the Commonwealth of Virginia.

Section 24. Liability Insurance.

24.1 A holder of a Special Exception for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Exception in amounts as set forth below:

- a. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
- b. Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate;
- c. Workers Compensation and Disability: Statutory amounts.

24.2 The Commercial General liability insurance policy shall specifically include the County and its officers, Board of Supervisors, employees, committee members, attorneys, agents and consultants as additional named insureds.

24.3 The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the Commonwealth and with a Best's rating of at least A.

24.4 The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty days prior written notice in advance of the cancellation of the insurance.

24.5 Renewal or replacement policies or certificates shall be delivered to the County at least fifteen days before the expiration of the insurance that such policies are to renew or replace.

24.6 Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen days after the grant of the Special Exception, the holder of the Special Exception shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 25. Indemnification.

25.1 Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, Board of Supervisors, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at Ordinance or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

25.2 Notwithstanding the requirements noted in Section 25.1, an indemnification provision will not be required in those instances where the County itself applies for and secures a Special Exception for Wireless Telecommunications Facilities.

Section 26. Enforcement.

26.1 In the event of a violation of this Ordinance or any Special Exception issued pursuant to this Ordinance, the zoning administrator shall utilize the provisions of Article 15 of the Lancaster County Zoning Ordinance to enforce compliance with this section.

26.2 Notwithstanding anything in this Ordinance, the holder of the Special Exception for Wireless Telecommunications Facilities may not use the payment of fines, liquidated

damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Exception to termination and revocation of the Special Exception. The County may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the County.

Section 27. Default and/or Revocation.

27.1 If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Exception, then the Zoning Administrator shall notify the holder of the Special Exception in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Zoning Administrator may, at his/her sole discretion, order the violation remedied within twenty-four hours.

27.2 If within the period set forth in Section 27.1 the Wireless Telecommunications Facilities are not brought into compliance with the provisions of this Ordinance, or of the Special Exception, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the Board of Supervisors may revoke such Special Exception for Wireless Telecommunications Facilities, and shall notify the holder of the Special Exception within forty-eight hours of such action.

Section 28. Removal of Wireless Telecommunications Facilities.

28.1 Under the following circumstances, the Board of Supervisors may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

- a. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive days or a total of one hundred-eighty days in any three hundred-sixty five day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
- b. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;
- c. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Exception, or any other necessary authorization.

28.2 If the Board of Supervisors makes such a determination as noted in subsection (A) of this section, then the Zoning Administrator shall notify the holder of the Special Exception for the Wireless Telecommunications Facilities within forty-eight hours that said Wireless Telecommunications Facilities are to be removed, the Board of Supervisors may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

28.3 The holder of the Special Exception, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety days of receipt of written notice from the County. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Board of Supervisors.

28.4 If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety days after the permit holder has received notice, then the Board of Supervisors may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Exception holder.

28.5 If, the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

28.6 Notwithstanding anything in this Section to the contrary, the Board of Supervisors may approve a temporary Exception/agreement for the Wireless Telecommunications Facilities, for no more than ninety days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Exception, subject to the approval of the Board of Supervisors, and an agreement to such plan shall be executed by the holder of the Special Exception and the County. If such a plan is not developed, approved and executed within the ninety day time period, then the County may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

Section 29. Relief.

Any Applicant desiring relief or exemption from any aspect or requirement of this Ordinance may request such from the Board of Supervisors at a pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a Special Exception, or in the case of an existing or previously granted Special Exception a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Board of Supervisors. However, the burden of proving the need for the requested relief or exemption is solely

on the Applicant to prove to the satisfaction of the Board of Supervisors. The Applicant shall bear all costs of the County in considering the request and the relief shall not be transferable to a new or different holder of the permit or owner of the Tower or facilities without the specific written permission of the Board of Supervisors. Such permission shall not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief or exemption will have no significant affect on the health, safety and welfare of the County, its residents and other service providers.

Section 30. Periodic Regulatory Review by the Board of Supervisors.

30.1 The Board of Supervisors may at any time conduct a review and examination of this entire Ordinance.

30.2 If after such a periodic review and examination of this Ordinance, the Board of Supervisors determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the Board of Supervisors may take whatever measures are necessary in accordance with applicable Ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the County, the Board of Supervisors may repeal this entire Ordinance at any time.

30.3 Notwithstanding the provisions of Sections 30.1 and 30.2, the Board of Supervisors may at any time, and in any manner (to the extent permitted by Federal, Commonwealth, or local Ordinance), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

Section 31. Adherence to State and/or Federal Rules and Regulations.

31.1 To the extent that the holder of a Special Exception for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Exception shall adhere to, and comply with, all applicable rules, regulations,

standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

31.2 To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Exception for Wireless Telecommunications Facilities, then the holder of such a Special Exception shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Section 32. Conflict with Other Ordinances.

Where this Ordinance differs or conflicts with other laws, ordinances, rules and regulations, unless the right to do so is preempted or prohibited by the County, Commonwealth of Virginia, or federal government, the more restrictive or protective of the County and the public shall apply.

Section 33. Effective Date.

This Ordinance shall be effective on January 31, 2003.

Section 34. Authority.

This Ordinance is adopted pursuant to the authority granted by Title 15.2 of the Code of Virginia, 1950, (as amended).

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

4. Commonwealth Reductions to Constitutional Officer, Electoral Board and Registrar Budgets – Mr. Pennell said the total impact to the FY03 Lancaster County budget by the governor’s mid-year reductions would be \$61,365 to Constitutional Officer Reimbursements.

Mr. Pennell stated he was directed by the Board of Supervisors to advertise a public hearing to encourage Lancaster County citizens to comment about how the revenue reductions for constitutional officers, electoral board and registrar should be handled.

Harry Sadler stated he does not want a tax increase and he was sure if a poll was taken no one would want a tax increase. He said he understand that total reduction was \$61,365 of a \$20 million budget which equals to .3%. Both the Constitutional Officers and the Board of Supervisors should get together and lobby the general assembly collectively. Cutting staff salaries, hours or customer service is not the answer. He supports the county funding the shortfall this year.

Mr. Kzyer asked if it was the county’s obligation to fund the shortfall.

Mr. Frere said the budget was approved with a certain amount and now the Constitutional Officers is faced with funding at mid-year with a lesser amount. He believes the county should fund this amount this year. This should not be an amount the board should be looking at mid-year but rather at the next budget fiscal year. He was concerned with diminish services to the public. He believe that the board have to take the responsible and decide if they would like to

diminish services to the public mid-year and not fund this or pick up the slack from the state and send a message to the state.

Mr. Jenkins stated the board approved a budget that included anticipated funds from the state and the state has chosen to reduce those funds. In order for the Constitutional Officers to receive the same amount that they believed they had to spend starting in July, local tax paying fund will have to make a difference. The overall county budget does not change but the percentage of funding source does. The Virginia Association of Counties has been lobbying the general assembly.

Sheriff Ronald Crockett said as President of the Sheriff's Association, he has been involved with the budget. The Governor has proposed a 15% budget cut to the law enforcement department. He stated he cut his budget by \$9,000 last year and \$29,000 next year. His office is funded 70% by the state and 30% by the county. He staff has to work seven days a week and 24 hours a day. What services can law enforcement cut? All the Constitutional Officers are required to work for people of the county. He asked the Board of Supervisors for their support.

Mr. George E. Thomas, Commissioner of the Revenue, said his budget has been reduced approximately \$10,000 since 1998. However, other than salaries the cost to run the office has gone down a little over \$3,000. He said he was aware of the need to find ways to save budget dollars and his office has done so, despite the added burden placed on the office with the implementation of the car tax in 1998. A new audit program has been mandated this year that will have unexpected costs of more than \$500 plus staff time. There are such fees as the license fee which is paid for the Camra System made necessary by the reassessment company chosen. This has eliminated \$3,500 of savings that was previously made. The saving in postage, envelopes, and handling of tax booklets was accomplished by having the tax dept in Richmond mail out income tax booklets.

This single measure saved Lancaster County over \$3,000. He stated as a direct result of the work performed by his staff there is an income generated to Lancaster County of over \$7 million from real estate tax and \$2.4 million in personal property tax.

Mr. Thomas gave a brief description of the job duties performed by the Commissioner of the Revenue Deputies. He stated he would continue to look for ways to do business that are more cost effective. He also said he believes the County could save money if Glenn Rowe, Director of General Service, received further training with the Bright Programming System. He believes that the shortfall the state has passed down would be compensated for by the late filing penalty. He requested that the county fully fund his office and staff salaries at the level approved at the beginning of the budget cycle.

Mrs. Constance Kennedy, Circuit Court Clerk, stated the budget reduction for her office was approximately \$15,000 which would come from salaries. She and her deputies are underpaid and have not had a salary increase in two years. The Clerk's office salaries were totally reimbursed by the state until last year with no cost to the county. Her office collected approximately \$180,000 in county revenue last year. The recording of deeds has doubled within the last eight years.

Mrs. Kennedy said there were a number of House Bills going before the general assembly and if they pass, there would be an increase in revenue. She stated House Bill 2672 Excess fees collected by clerks, House Bill 2688 State recordation tax – increase the state recordation tax from 15 cents to 30 cents per \$100, and Senate Bill 741 Fees collected by clerks of circuit courts – increases the local recordation fees to equal the fees charged by the State (currently they collect only one-third of what the state's fee is). She asked the board to support and lobby for the bills and adds the funds to the county budgets.

Mrs. Anna Lee Haynie, Treasurer, said she would like to inform the board of how she has reduced their budget for 2003. For FY02 real estate billing was contracted for tax forms, envelopes, printing, separating, stuffing, special pulls, postage, a design charge and a mail manager for 12,968 tax bills for a total cost of \$5,348.00. She stated if the tax bill would have been processed by her office the total would have been \$7,058.00 with a total savings of \$1,710.00. Other funds have been saved in advertising, part-time help, convention and education with a total estimated savings of \$7,937.00.

Mrs. Haynie stated the State has reduced the Treasurer's budget by \$12,082.00 of which most is for salaries. She asked the Board of Supervisors to add this amount to their budget and not make the Treasurer's office or staff bear the total burden of these reductions.

Mr. Jeff Schmidt, Commonwealth Attorney, stated his office and the Sheriff's is the face of public safety in the county. He said as Commonwealth Attorney, he is required to work felony cases and not misdemeanors; however, because of public safety he prosecutes both felony and misdemeanor. Please help the citizens of Lancaster County by preserving public safety through funding. He said he has cut his budget request by \$29,334. He asked the Board of Supervisors to add the amount to their budget.

Mrs. Peggy Harding, Registrar, said her office does not generate any funds for the county; however, this cut would mean cutting her part-time person from three days a week to one day a week. Please do not cut the budget.

Mr. Beauchamp made a motion to add the \$61,365 to Lancaster County FY03 budget to maintain previously approved appropriations for constitutional officers.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

CONSENSUS DOCKET

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

A. Minutes for December 30, 2002 and January 2, 2003

Recommendation: Approve the minutes with amendments.

B. Windmill Point Properties, L.L.C. – Request for Change of Zoning District Classification and Application for Special Exception – Continuation

Recommendation: Continued to February 27, 2003 Meeting

C. Board of Zoning Appeals Report of Activity

Recommendation: Accept Report as submitted

D. Wetlands Board Report of Activity

Recommendation: Accept Report as submitted

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2003 Salaries and Invoice Listings

Motion was made by Mr. Conaway to approve the Salaries for January 2003 in the amount of \$128,598.43 and Invoice Listings for January 2003 in the amount of \$327,470.62.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

2. Capital Improvement Budget – Mr. Larson stated the Planning Commission has completed its work on the annual update to the Capital Improvement Budget subject to any further direction by the Board of Supervisors. He said the Planning Commission held a public hearing on the Fiscal Years 2004 – 2008 Capital Improvement Budget at the regular December 2002 meeting. There was no public input. The Planning Commission eliminated twelve items from the budget to achieve funding requests that were more reasonable in terms of the anticipated availability of funding. Additionally the previously categorized short-term and long-term items were consolidated into a single list that is reflected in the summary cost sheet. Final consideration of the budget was deferred until the January 2003 regular meeting. At that meeting the budget was approved with the stipulation that funding for bike paths (\$30,000 in FY04) be put back into the budget.

Mr. Frere made a motion to accept the Capital Improvement Budget – Fiscal Years 2004 – 2008 and table action until budget meeting.

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

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| B. Wally Beauchamp | Aye |
| Donald O. Conway | Aye |
| Patrick G. Frere | Aye |

3. Homeland Security Grant Funding – Mr. Pennell said recently the Virginia Department of Emergency Management has notified Lancaster County that it is eligible for the following grants in preparation for Homeland Security project: Planning Grant \$7,156.00; Equipment Grant \$29,588.02; Competitive Individual 1.25 Million (Portion); and Competitive Cooperative 1.25 Million (Portion).

Mr. Pennell stated the critiques of all serious emergency situations express concerns about the ability of responders to communicate between themselves and other federal, state and local entities during the emergency. Most recently, the World Trade Towers and the Pentagon emergencies demonstrate the difficulties in managing a disaster when effective communication is not possible.

The local fire and rescue personnel have long stated their desire to have improvements made to their communications system so that they can communicate between their own equipment as well as other departments when responding to other counties on a mutual aid request.

None of the individual grants to the four counties of the Northern Neck is sufficient to relieve this problem. It is believed that by combining the resources of the Homeland Security Grants, the region can improve fire and rescue communications in preparation of future emergencies.

After consultation with the other county administrators and the executive director of the Planning District Commission, I recommend that the Lancaster

County Board of Supervisors adopt the attached resolution in support of a regional approach to the resolution of the communication issues.

Mr. Beauchamp made a motion to adopt the following Homeland Security Grants resolution.

HOMELAND SECURITY GRANTS

WHEREAS, the Virginia Department of Emergency Management has notified Lancaster County that it is eligible for a State and Local All-Hazards Emergency Operations Planning Grant in the amount of \$7,156.00; and

WHEREAS, the Virginia Department of Emergency Management has notified Lancaster County that it is eligible for a U. S. Department of Justice Equipment Grant in the total amount of \$29,588.02; and

WHEREAS, the Virginia Department of Emergency Management has notified Lancaster County that it is eligible to apply for a portion of a \$1.25 million Individual Competitive Sub-Grant and a portion of a \$1.25 million Cooperative Competitive Sub-Grant; and

WHEREAS, local county administrators and the executive director of the Northern Neck Planning District Commission recommend to their governing bodies that improvements to the Northern Neck fire and rescue services communications is the greatest existing need for Homeland Security readiness; and

WHEREAS, fire and rescue communications equipment and technology are eligible for funding in all of the aforementioned grants; and

WHEREAS, the fire and rescue services of the Northern Neck are frequently involved in mutual aid situations wherein interdepartmental communications is vital to the successful outcome of the emergency.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors approves the use of its Homeland Security Grant Funding in a regional strategy to improve fire and rescue communications in the Northern Neck; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors designates the Northern Neck Planning District Commission as the project manager to plan, apply for and install improved communications equipment for all of the Northern Neck's fire and rescue services.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

4. Election District 3 – Voting Precincts 1 & 2 – Mr. Pennell stated prior to the filing of the White Stone Redistricting Lawsuit, the Lancaster County Board of Supervisors was considering splitting Election District 3 into two voting precincts to accommodate the geographical distances with District 3. He said Dymer Creek is suggested to be the dividing line between the two precincts.

Mr. Simmons made a motion to accept the plan to split District 3 into two voting precincts and go to public hearing at the February 27, 2003 regular meeting.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Abstain |

BOARD REPORTS

Resolution Honoring Hunter Eppihimer

Mr. Frere made a motion asking the Board of Supervisors to consider adopting a resolution honoring Hunter Eppihimer a 9th Grade Lancaster High School who passed away today for a long-term disease. He displays a happy-go-lucky attitude at all times and never complained. He was the manager of the football teams at both the middle and high schools. The resolution should honor him for being a courageous fighter and student whose example should stand for all students as they face their daily challenges.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

Planning Commissioner Institute

Mr. Simmons said there is a Planning Commissioner Institute and the cost is \$350.00 per attendee at Virginia Tech. The Planning Commission would like the Board to authorize two Planning Commissioners to attend the institute per year on a rotational basis.

Mr. Jenkins made a motion to authorize the expense for the Planning Commissioner Institute training on a rotational basis.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

Anti Littering Posters

Mr. Beauchamp said the Anti Litter posters were being placed in businesses throughout the county by deputy sheriffs.

Appointment

Mr. Beauchamp made a motion to appoint Albert W. J. Anderson to the Lancaster County Wetlands Board as a representative for District 5.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

COUNTY ADMINISTRATOR REPORT

Criminal Justice Record System Improve Grant

Sheriff Crockett stated this was a continuation of a grant that expired two years ago for Criminal Justice Record System Improves in the amount of \$42,250. This system

would help keep inventory of stolen property and reports which have to be submitted to the State Police every month. The grant provides for six computers to be placed in police cars, which would enable the Deputy to stop off in a parking lot where he can be seen and do his report on the computer, instead of returning to the office to write a report. The grant would become effect July 1, 2003 if awarded.

Mr. Jenkins made a motion for Sheriff Crockett to submit the Criminal Justice Record System Improve Grant.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |

Judge Hyde Reception

Mr. Pennell said the reception for Judge Hyde's retirement would be held on February 28, 2003 from 5:00 – 6:30 pm at the Northumberland General District Courtroom. The cost for the reception will be \$15.00 and can be made payable to Barbara H. Breeden, Hubbard Breeden and Terry.

Garden Club of the Northern Neck

Mr. Pennell said the Garden Club of the Northern Neck has announced that they will have a symposium entitled "Protecting our Cultural Landscape Conservation Symposium for the Northern Neck" on Tuesday, February 18, 2003 at 10:00 a.m. at RW-C.

NeckTech Presentation

Mr. Pennell stated the NeckTech presentation would be held on February 6, 2003 at 6:00 pm at RW-C in partnership with Lancaster County Chamber of Commerce and the Northern Neck Planning District Commission.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting.

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| VOTE: | Cundiff Simmons | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | B. Wally Beauchamp | Aye |
| | Donald O. Conway | Aye |
| | Patrick G. Frere | Aye |