

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, February 28, 2013.

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

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

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

**PUBLIC INPUT**

Mr. Charles R. Lee, a citizen from the Fleets Bay area, stated that he had been present at a Board meeting a year ago to express his concerns about the emergency medical services in Lancaster County. He stated that, since that time, he thought the County had come up with a terrific solution with the roving paramedics and he personally felt better because of them.

Mr. Lee stated that, on another subject, he is on the Habitat for Humanity's Board of Directors. He stated that the organization is getting ready to open their fifteenth home at 55 Pond Park Road in Lancaster. He stated that they are having an open house on Friday, March 15<sup>th</sup> at noon and the Board, as well as the public, is invited to attend.

**PRESENTATIONS**

1. Robinson, Farmer, Cox Associates-FY 2012 Audit

Ms. Charla Schubert of Robinson, Farmer, Cox Associates stated that she was in attendance to present the June 30, 2012 audit report. She stated that they had issued an unqualified opinion with no

material weaknesses or significant deficiencies over financial reporting. She further stated that another good point was that no management letter was issued this year. She stated that the County is in good financial condition and the tax rate collection is at ninety-nine percent.

Ms. Schubert mentioned GASB 68, which would not be implemented until fiscal year 2015. It would require all of the localities across the state to record the liability of the net pension obligation for the professional teachers. She stated that it would not affect the overall fund balance.

Mr. Pleva stated that it would not affect the County's operations, but it shows on paper that there is a debt obligation, which could affect the bond rating.

Mr. Beauchamp suggested that the Board direct Mr. Pleva to commend the county staff and department heads for a successful audit. He further stated that it is something of which to be very proud.

Mr. Jenkins made a motion to accept the audit.

a. Acceptance of Audit

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

2. Northern Neck Montessori School

Ms. Beth Rohne of the Northern Neck Montessori School stated that there is an on-going effort at the school to honor Dr. Jack Russell, a former member of the Board of Supervisors. She stated that Dr. Russell was a member of the Board of Directors for the Montessori School and he worked with the school on its long range planning and was an avid supporter.

Ms. Rohne stated that the school wants to honor Dr. Russell with the development of the Dr. Jack Russell Memorial Scholarship in order to provide financial support allowing an increased diversity of students to attend the school. She stated that Dr. Russell was a genuine, community minded person, who worked hard to make things happen for the good of the community and its children.

Mr. Jenkins stated that he intended to make a contribution to the scholarship in honor of Dr. Russell's dedicated work to the community.

## VIRGINIA DEPARTMENT OF TRANSPORTATION

None

### PUBLIC HEARING

#### 1. Application for Special Exception-Jennifer L. and Larry G. Benson

Mr. Gill presented an application for Special Exception by Jennifer L. and Larry G. Benson to place a data antenna/pole under 100 feet tall for wireless internet access on a 2.02-acre parcel described as Tax Map #20E-1-57. Mr. Gill stated that this property is zoned R-1, Residential General and is located at 266 Belmont Drive in the Heritage Point subdivision in District 1.

Mr. Gill stated that Article 5-1-23 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. He stated that this is a continuation of requests for special exception consideration to locate data antennas at various locations within the county to provide wireless broadband internet access in areas lacking that capability.

Mr. Gill stated that there were no zoning issues with the location of this antenna/pole and it has the potential to serve many homes in the Heritage Point area. He stated that this request has been advertised and adjoining property owners notified as required by law and to date, there has been one response from the public.

Mr. Gill stated that a resident from the Heritage Point subdivision, Mr. Richard Rau, was present at the meeting. He stated that Mr. Rau was concerned that the proposed internet pole may be in violation of the Heritage Point covenants.

Mr. Rau stated that he was a resident of Heritage Point and that he and his wife were concerned that the proposed pole would be in violation of their covenants and they were also concerned about what may happen to their property values. He referred to materials that he had presented to the Board.

Mr. Rau stated that a covenant is the lifeblood of a homeowner's association and should not be violated. He stated that the association could amend the covenants to allow the pole or the pole could be moved three hundred feet and it would no longer be in the Heritage Point Subdivision.

Mr. Jenkins asked Mr. Rau if he was aware that the Board of Supervisors had granted a special exception in 2010 to allow a data antenna on Lonesome Pine Trail in the Heritage Point Subdivision. He stated that, at that time, there was no argument from the homeowner's association that it was in violation of the covenants.

Mr. Rau replied that he did not know who had made that request and was not aware of it.

Mr. Gill stated that the applicants were Frank and Barbara Wood at 369 Lonesome Pine Trail and the request was approved on November 29, 2010, but the pole has not been erected to date.

Mr. Rau stated that that did not change anything and he read the covenant to the Board.

Mr. Palin asked if there were telephone poles in Heritage Point.

Mr. Rau replied yes.

Mr. Palin stated that he saw the wireless poles to be basically the same as the telephone poles and suggested that they amend their covenant to include the wireless poles and make it a more current document, since those poles are being seen more as people are using the internet more.

Mr. Jenkins stated that the Board of Supervisors has no control over private contracts and they do not enforce them in any way. He stated that Mr. Rau has a reasonable argument, but it does not fit in their forum. He stated that before the Board is an application, that under the ordinances of Lancaster County, deserves true consideration by the Board. He further stated that if the pole was considered to be in non-compliance under a private contract, then it would be up to the homeowner's association to intervene and civilly stop it. He said it would be inappropriate for the Board to interfere with an issue between the property owner and the homeowner's association.

Mr. Rau stated that he understood and was not asking the Board to enforce the covenant.

Mr. Rau thanked the Board for its time.

There was no more public input.

Mr. Jenkins closed the floor to public input.

Mr. Jenkins made a motion to approve the application for special exception for Jennifer L. and Larry G. Benson to place a data antenna/pole under 100 feet tall for wireless internet access on a 2.02-acre parcel described as Tax Map #20E-1-57 and this property is zoned R-1, Residential, General and is located at 266 Belmont Drive in the Heritage Point subdivision in District 1. He added that staff make it clear to the Bensons that the Board's action does not supercede any other covenant that they may be subject to under their homeowner's association.

Mr. Jenkins asked if there was any discussion on the motion.

Mr. Bellows stated that he thought it was important to continue to support high-speed internet access throughout the county.

VOTE:	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

Ernest D. Palin, Jr.	Aye
William R. Lee	Aye
B. Wally Beauchamp	Aye

**CONSENSUS DOCKET**

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

A. Minutes for January 31, 2013

Recommendation: Approve minutes as submitted

B. FY 13 School Budget-Request to Appropriate Unexpended FY 12 Federal Funds

A summary of the grants is listed below:

Job Fund	\$ 1090
Title IA, NCLB	28,678
School Improvement, 1003G-ARRA	143,618
School Improvement, 1003G	19,471
Title IIA	53,474
Title VI, Subpart 2	1,464
Title VIB, IDEA	24,766
VA Plugged In	<u>5,000</u>
Total	\$ 277,561

Recommendation: Approve request as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of February 2013 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for February 2013 in the amount of \$227,936.79 and invoice listings for February 2013 in the amount of \$367,529.90.

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

**BOARD REPORTS**

Mr. Palin stated that he had attended a recent meeting where the Upper Lancaster Volunteer Rescue Squad had great reviews and it made him proud to hear it and wanted to share it with the Board.

Mrs. Judy Hammell, President of the Upper Lancaster Rescue Squad, was present and stated that she was just sitting in on the meeting.

Mr. Jenkins asked her to stand and wanted to thank her and her organization for all that they do for the community.

**NNPDC**

Mr. Beauchamp stated that he wanted to appoint Mr. Charles R. Lee to the Northern Neck Planning District Commission for a term ending June 30, 2016. He stated that Mr. Lee would replace Mr. Donald Caskie.

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

**COUNTY ADMINISTRATOR**

None

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

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