

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, May 26, 2005.

Present: F.W. Jenkins, Jr., Chair
Peter N. Geilich, Vice Chair
B. Wally Beauchamp, Board Member
Lloyd N. Hill, Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Beth Baldwin, Chesapeake Bay Local Assistance Board; Charles Costello, Friends of Lancaster County; Scott Hudson, Emergency Services; Jack Larson, Planning/Land Use; Carter White and Robert Harper, Virginia Department of Transportation; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Mr. Dana Gilmore, an Ocran resident, said he would like to thank the Board of Supervisors for properly reviewing the school board budget and making the right decisions. Also, he thanked Mr. Larson and Beth Baldwin for working so hard on the Chesapeake Bay Preservation Ordinance amendments.

PRESENTATION

County-wide Emergency Services Drill

Mr. Hudson stated on Sunday, May 1, 2005 the Lancaster County Department of Emergency Services conducted a county-wide exercise that involved ten agencies, approximately 70 participants and the staff at Rappahannock Westminster-Canterbury also participated in the exercise.

Mr. Hudson stated the agencies that participated were the Lancaster County Sheriff's Office, Upper Lancaster and Kilmarnock – Lancaster Volunteer Rescue Squads, White Stone, Kilmarnock and Upper Lancaster Volunteer Fire Departments, Lancaster Chapter of the American Red Cross, Rappahannock General Hospital, VCU/MCV LifeEvac Helicopter and Boy Scout Troop 242 (Kilmarnock).

Mr. Hudson said the planning for the exercise started in November of last year when a tabletop exercise of the same scenario was conducted. The scenario was an electrical fire had started in the maintenance room of the apartment complex on the Rappahannock Westminster-Canterbury campus. There were simulated residents that had become trapped or incapacitated on the third floor and the complex would have to be evacuated. Some of the residents would require other means of shelter due to being displaced by damage caused by the fire. Injuries to the patients ranged from a simple fractures to severe burns.

Some of the objectives were:

1. Establish an Incident Commander
2. Create a unified command under the incident command system
3. Fire suppression and containment
4. Safe evacuation of all residents
5. Establish a medical triage system
6. Transport to appropriate destination
7. Provide landing zone for critical patients
8. Establish an Emergency Shelter
9. Establish emergency food operations
10. Ensure safety of all participants

Mr. Hudson said a critique of the exercise that involved all participants was held on May 16, 2005. The overall result of the exercise was that it was a valuable learning experience and everyone who participated in the exercise deemed it very successful. Plans for a fall 2005 exercise have already begun.

Mr. Beauchamp stated Rappahannock Westminister-Canterbury sent a letter of appreciation and stated that the Emergency Services Coordinator did a great job.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Bridge Repairs

Mr. White stated there was a situation with Robert O. Norris Bridge on Sunday, May 22, 2005 where the bridge was closed from 8 p.m. – 5 a.m. because a concrete joint became separated. There was a 50' section of the bridge which had to be repaired and there was no structural damage to the bridge.

Maintenance Update

Mr. White said mowing should be completed by June 15, 2005.

Merry Point Ferry Update

Mr. Beauchamp asked for an update on the Merry Point Ferry.

Mr. White stated the ferry is operational and they are actively working on finding funding. Northumberland County adopted an ordinance similar to Lancaster County's asking for a larger ferry to replace the current models.

PUBLIC HEARING

1. Request for Bay Act Waiver – Debra L. Joseph – Mr. Larson stated he has received a request for a Bay Act Waiver from Deborah L. Joseph to construct a portion of a driveway that would place approximately 1280 square feet of impervious cover 15” inside the 50” seaward component of the 100’ resource protection area. The property is described as Tax Map #20-160C which is located off VSH 667, Kelley Neck Road, near Merry Point, Virginia in Voting District 2.

Mr. Larson said his initial reaction to this request was to oppose it, and advise the agent for the applicant. The reasoning was that the hardship necessitating the need for a Bay Act Waiver was entirely self-imposed (i.e. the need for a driveway inside the 50” seaward component of the 100’ protection buffer would not exist if the house itself were placed outside the 100’ protective buffer). The agent for the applicant then submitted a Bay Act site plan that took the driveway outside the 100’ protective buffer but left the home in its proposed location. The agent stated that a small path would be used to access the house from the terminus of the driveway and further stated that the proposed site could be approved under our present policy for encroachment. The agent is correct in that regard. This leaves the Board of Supervisors with choice of approving a waiver that mitigates a proposed driveway or approving a site plan that does not mitigate the access path and requires enforcement in perpetuity to ensure that it remains a permitted path vice an impervious driveway. While he does not question the sincerity or the integrity of the applicant or her agent in stating that they would not create anything other than a permissible access path, he does not believe it is possible as a practical matter in the long term. Sooner or later, access to the house by more than a permitted path will be required to address the needs of an occupant or a particular situation such as a medical emergency.

Mr. Larson said adjoining property owners have been notified and advertising as required by law has been conducted. An adjoining property owner

and an interested member of the public have contacted the office and indicated their opposition to this request. There reasons for opposition seemed to be more related to property issues than any aspect of Chesapeake Bay protection.

Chairman Jenkins opened the public hearing.

Dr. Holden stated she and her mother (Mrs. Yerby) have been inundated with requests to have several things done on and around their property. They have given up 4' on each side of the highway to the state/county, an easement was given for the Minces on one side of their property, electric lines were put through the middle of there property to provide electricity to new homes built. As county taxpayers they do not wish to have their privacy invaded from all sides. Mr. Paul O'Neill has made a number of requests, first, was to have an electric line cross over the other side of their property, secondly, to construct a portion of a driveway approximately 30' across our property. Each request was declined; however, Mr. O'Neill continued to call and/or write letters, which has gotten to be at a stage of harassment. They do not want to sound mean or not neighborly, but they want the privacy of their property for family and friends to enjoy and spend time, they should be able to do so, without reservation, harassment or intimidation. They asked the Board of Supervisors to deny this Bay Act Waiver request for Deborah L. Joseph.

Mr. Madsen stated a 100' buffer is close enough and the big problem is the asphalt or concrete being used within 50' of the water.

Mr. O'Neill stated they were asking approval for an accessway across 1,280 square feet of the 50' buffer. He indicated they propose to utilize Best Management Practices, permeable pavers and also proffer to use interlocking concrete pavers which lie within the 100' RPA. Being very mindful as a waterfront landowner the responsibilities to preserving the natural beauty of the land, they also proffered and will dedicate and place 50,710 square feet of the

property under a conservation easement to protect and improve water quality and to ensure it will remain in its natural state.

Chairman Jenkins closed the public hearing.

Mr. Geilich made a motion to deny the Request for Bay Act Waiver for Debra L. Joseph.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Nay

2. Application for Special Exception – Donahue Properties – Mr. Larson received a request for a Special Exception by Donahue Properties, LLC to use a principal structure located on Tax Map # 16-10A as a professional office space. The property is located across from the main entrance to Lancaster High School on VSH 3 and is in Voting District 2.

Mr. Larson said the requested use is consistent with properties in close proximity on which business activities are conducted. Since it is a professional office vice retail space, its close proximity does not seem to pose a problem for operations at Lancaster High School and may actually create a better situation than then current housing rental. It should be noted that the special exception request applies only to the apartment building at the front of the property on VSH 3 and will not apply to any of the other three buildings shown on the diagram submitted with the application.

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. Mr. Guill, representing Lancaster County School Administration, an adjoining property owner, contacted

staff and indicated there were no objections to this request for special exception. No other input regarding this request from adjoining property owners or interested members of the public has been received as of this date.

Chairman Jenkins opened the public hearing.

Mr. Costello stated there are other residential properties right behind this property. The main concerns are the traffic and children staying in the units behind this property.

Mr. Donahue said there are four one bedroom units in the first building which would be best used as office space. He will restrict the use of the house in the future and there are 23 total parking spaces available.

Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to approve the Application for Special Exception for Donahue Properties, LLC.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

3. Revisions to the Lancaster County Chesapeake Bay Preservation Ordinance – Mr. Larson stated the revisions to the Chesapeake Bay Preservation Ordinance to address requirements of the Chesapeake Bay Local Assistance Board are before the Board of Supervisors. These revisions address issues covered at the March 17, 2005 and April 21, 2005 public hearings by the Planning Commission and are intended to bring Lancaster County into full compliance with state regulations.

Mr. Larson said at the March 30, 2004 regular meeting of the Board of Supervisors, direction was given to make necessary revisions to bring Lancaster County into full compliance with state requirements for Bay Act Compliance.

Ms. Beth Baldwin, CBLAD Liaison, was available at that meeting and is present at this meeting to address questions and confirm that revisions as drafted would be compliant. Minor changes were made and forwarded to Ms. Baldwin for final confirmation as to compliance. The board has been provided with Ms. Baldwin's recommendation to include the definitional change for "Water Body with Perennial Flow," It is not controversial, it clarifies the existing brief definition, and changing it now will preclude the need to take that administrative action at a later date.

Mr. Larson stated advertising as required by law has been conducted. As of this date, staff has received not input from interested members of the public. Staff has received general statements in favor of the revisions of the ordinance as presented.

Chairman Jenkins opened the public hearing.

Mr. Costello stated the county made a good move, because the county did not need to be in litigation. He asked the board if the effective date of June 1, 2005 would still be honored.

Mr. Madsen said he was very pleased with the revisions being made to the Chesapeake Bay Preservation Ordinance. He still had concerns about someone building within the 100' buffer under the revised ordinance.

Mr. Larson stated this county has always enforced this ordinance and will continue to do it the revisions are approved by the board.

Chairman Jenkins closed the public hearing.

Ms. Baldwin said it was her pleasure to work with Mr. Larson and she believes that the proposed revisions are in line with what the county was currently enforcing.

Mr. Beauchamp made a motion to approve the Revisions to the Lancaster County Chesapeake Bay Preservation Ordinance effective June 1, 2005.

A roll call vote was taken:

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

CONSENSUS DOCKET

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

A. Minutes for April 13, 2005, April 19, 2005, April 28, 2005 and May 4, 2005

Recommendation: Approve the minutes

B. Appointment of Deputy Clerk to the Board of Supervisors

Recommendation: Approve appointment of Zina Middleton to Deputy Clerk

C. Alternate Appointment to the Northern Neck Planning District Commission

Recommendation: Approve appointment of the county administrator as an alternate member of Northern Neck Planning District Commission

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of May 2005 Salaries and Invoice Listings

Motion was made by Mr. Hill to approve the Salaries for May 2005 in the amount of \$154,369.55 and Invoice Listings for May 2005 in the amount of \$395,872.76.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

2. Stone Gate Subdivision – Preliminary Plat Approval – Mr. Larson said as required by Article 3-7 of the Subdivision Ordinance, an application for a subdivision of six or more lots must be submitted to the Board of Supervisors for approval or disapproval. The proposed subdivision is off VSH 641, Mosquito Point Road, near White Stone, Virginia in Voting District 5.

Mr. Larson stated a review of this plat has been conducted, and it was determined that it met all requirements for preliminary plat approval with the exception of covenants which are required to set terms for management of commons areas. It should also be noted that Lots 3,4,5,9, 10, and 11 are the barest minimum in size at exactly 30,000 square feet rounded to the nearest square foot. While they meet the minimum requirement, location of drainfields may be problematic in terms of still leaving a reasonable building site on these

lots. Final subdivision plat approval may not be possible without modification of these lots.

Mr. Larson stated this would be brought back to the board within the six months for final approval. The road will need to be built to state standards and all the lots are a minimum of two acres.

Mr. Self stated he did not realize this was waterfront property. He is currently looking at soil report and evaluation. Each property will have its own drainfield.

Mr. Beauchamp made a motion for Preliminary Plat Approval of Stone Gate Subdivision with a comment that the questions must be answered before final approval will be awarded.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

3. Repeal Article 6 – Residential, District R-2 – Lancaster County Zoning Ordinance – Chairman Jenkins has asked the Board of Supervisors to consider the repeal of Article 6 of the Lancaster County Zoning Ordinance – Residential, District R-2.

Mr. Jenkins said he believes that it is time to reconsider the multi-family zoning district to more effectively deal with current trends in land development. In order to do so without continued pressure from new applications, it is prudent to repeal the current R-2 ordinance and develop a new ordinance – perhaps in concert with the revision to the comprehensive plan.

Mr. Jenkins said in light of recent sensitivities to proposed development in Lancaster County, it seems that the purposes for the original passage of the R-2 zone (apartments, townhouses, condominiums, etc.) are being manipulated to allow for higher densities on Lancaster County's waterfront.

Mr. Jenkins stated the repeal of the old ordinance is necessary because moratoriums on zoning ordinances/development rights are not lawful in Virginia.

Mr. Jenkins stated the county attorney suggests the following motion to comply with §15.2-2286(7) of the Code of Virginia, if it is the will of the Board of Supervisors to repeal this section of the Zoning Ordinance:

Mr. Jenkins made a motion that public necessity, convenience, general welfare and good zoning practice requires that the zoning ordinance of Lancaster County be amended to delete the R-2 zoning classification and I move that this matter be referred to the Planning Commission of Lancaster County for consideration of amendment of the Lancaster County Zoning Ordinance by the repeal and deletion of the R-2 Zoning Classification.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

4. Health Insurance Benefit – July 1, 2005 – July 31, 2006 - Mr. Pennell said the county has received bids from responding health insurance providers for the county employees' health insurance benefit July 1, 2005 through July 31, 2006. A synopsis of the responding bidders' offerings was submitted to the board. The board has permitted affected employees to vote on the specific health insurance benefit of their choice.

Mr. Beauchamp made a motion to approve the Health Insurance Renewal Contract with Southern Health Insurance and Guardian Dental.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

5. Advertise a Public Hearing to Consider Granting an Easement and Interest in Property to Provide Water to the Social Services/Health Department Building – Mr. Pennell said during Sydnor Hydrodynamics’ (d/b/a Aqua, Virginia) recent improvement in the water distribution system at Lancaster Courthouse, he had the opportunity to discuss options that would improve the service to the community as well as enhance Sydnor’s ability to provide potable water in an efficient, cost-effective manner. One of these options would be to grant an easement to Sydnor to operate the existing public water system at the Social Services/Health Department building.

Mr. Pennell said a number of improvements have been added to the Lancaster Village water distribution system and the addition of a second well will have benefits:

- A new, higher yield pump has been installed at the pump site on Route 600.
- Once complete, the pump site will have a generator installed, thus providing for uninterruptible water supply to the village and jail.
- While the system is too small for a fire hydrant, there will be a location where fire trucks can refill albeit more slowly than from a full-fledge fire hydrant on a larger system.
- By granting this easement to Sydnor, the county will receive water at no charge at the Social Service/Health Department building for five years.

- By granting this easement, the county will no longer have to pay for monthly water tests at this site.
- This second well on the system will provide back-up and pressure stability to the entire system.
- The second well will be in place to provide domestic water services in the event the Poor House Tract is used for economic development purposes.
- The water line has been extended past the high school so that it may connect to the water main if necessary in the future.

Mr. Geilich made a motion to authorize the county administrator to schedule a public hearing to receive comments on granting an easement to Sydnor Hydrodynamics to connect to and operate the existing well at the Social Services/Health Department building.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

BOARD REPORTS

Appointments

Wetlands Board

Mr. Beauchamp made a motion to reappoint Albert W. J. Anderson to the Wetlands Board to represent Lancaster County District 5 for a five-year term which began July 1, 2005 and ends June 30, 2010.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

Planning Commission

Mr. Hill made a motion to appoint the Reverend Rodney D. Waller to the Planning Commission to represent Lancaster County District 4 for an unexpired four-year term which ends October 30, 2007.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

Historic Resource Commission

Mr. Hill made a motion to appoint Sandra Smyre to the Historic Resources Commission to represent Lancaster County District 4 for an unexpired four-year term which ends June 30, 2006.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye

COUNTY ADMINISTRATOR

None

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting to Wednesday, June 1, 2005 at 4:00 p.m. for a Budget Work Session.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Lloyd N. Hill	Aye