

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building of said county on Thursday, May 26, 2011.

Members Present:	B. Wally Beauchamp, Chair
	F.W. Jenkins, Jr., Vice Chair
	Ernest W. Palin, Jr., Board Member
	Peter N. Geilich, Board Member
	Jack S. Russell, Board Member
Staff Present:	Jack D. Larson, Assistant County Administrator
	Don G. Gill, Planning and Land Use Director

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

**PUBLIC INPUT**

None

**PRESENTATIONS**

Bonnie Haynie, Lancaster County Treasurer stated Daphne J. Forrester, Deputy Treasurer for Lancaster County has recently completed the requirement to receive the Master Governmental Deputy Treasurer's certificate. Ms. Forrester has been working on her certification since 2008. She said the Deputy Treasurer's Certification Program is administered by the University of Virginia's Weldon Cooper Center for Public Service and the University's School of Continuing and Professional Studies under the auspices of the Treasurers' Association of Virginia. The program is designed to advance the professionalism of the local governmental treasurer and staff in the Commonwealth of Virginia.

Mr. Beauchamp, on behalf of the board of supervisors, congratulated Ms. Forrester on her achievement.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **VDOT Six-Year Plan**

Susan Gardner said the Code of Virginia requires that the Board of Supervisors in conjunction with the Virginia Department of Transportation (VDOT) formulate a Six Year Secondary Improvement Plan and priority list for the Secondary Improvement Budget - Projected Fiscal Year Allocation for 2012 through 2017 and for the FY12 Budget.

The first priority is VSH 604/Merry Point Road at the VSH 611 intersection, to improve alignment. The second priority is Rte 614/Devils Bottom Road to improve the alignment and replace the bridge. The unpaved priority #1 is Route 789/Hadlea Drive to reconstruct and surface treat a non-hard surface road.

Ms. Gardner said there is \$0 budgeted for incidental items on the plan. The Six-Year Plan fund is for improvements and new construction and does not include maintenance work.

Chairman Beauchamp opened the public hearing.

Charles Costello, District 2 stated he has driven on the Merry Point Ferry Road everyday for the last 20 years without a problem and does not understand why Merry Point Ferry Road is on the list at a cost of \$720,293 which is a lot of money. There has been one accident in twenty year where someone swung a little bit wide because of sunlight and brushed someone else. He believes the funds could be better used somewhere else.

Ms. Gardner stated it has been on the plan for a number of years and the road has been studies which is why it is recommended and placed on the plan.

Mr. Beauchamp asked what funds have been expended to date on that section on road.

Ms. Gardner said she does not have the expenditures with her but she could get those figures and forward them on to the county office.

Mr. Palin said the intersection and curve at Hoecake Road is the area he has concerns about on the Merry Point Ferry Road.

Ms. Gardner stated she was certain that some surveys have been done at this point, plans have been designed, and perhaps some engineering work on the project.

Mr. Jenkins asked if the board recommends that this project be given lesser priority would leave funds for Lancaster County.

Ms. Gardner said they would stay in Lancaster County, unless there are federal funds. Federal funds are given for federal roads and this road probably qualified for those funds when the funds were available years ago.

Mr. Jenkins asked how much of the funds federal dollars represent.

Ms. Gardner stated she believe it is probably a majority of the funds.

Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to adopt the following resolution to approve Secondary System of Highways Six-Year Plan (2012 - 2017):

**WHEREAS**, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

**WHEREAS**, the Lancaster County Board of Supervisors previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation's policies and procedures, and participated in a public hearing on the proposed Plan (2012 through 2017) as well as the Construction Priority List (2012) on May 27, 2011 after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, David T. Brown, Residency Administrator, Virginia Department of Transportation, appeared before the board of supervisors and recommended approval of the Six-Year Plan and budget for Secondary Roads (2012 through 2017) and the Construction Priority List (2012) for Lancaster County.

**NOW THEREFORE BE IT RESOLVED**, that since said Plan and budget appear to be in the best interest of the Secondary Road System in Lancaster County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2012 through 2017) and Construction Priority List (2012) are hereby approved as presented at the public hearing.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

### County Road Maintenance

Mr. Brown said on VSH 641/Mosquito Point Road, the speed study came back at 45 mph from VSH 695 Windmill Point Road to VSH 724 Muskeek Road and 35 mph from VSH 672 to the end of stated maintained and signs have been erected displaying these new speed limits.

Mr. Beauchamp thanked VDOT for responding to this request and the citizens in that area are extremely pleased with the results.

Mr. Brown stated they will be performing 18 miles of paving, surface treatment and shoulder work in the next few months.

Mr. Brown said they are performing mowing now on the primary routes.

Mr. Brown stated they are trying to finalize contracts with mowing contractors.

### VSH 600/Courthouse Road and VSH 3/Mary Ball Road Maintenance Needed

Mr. Palin stated the grass was getting tall at the intersection of VSH 600/Courthouse Road and VSH 3/Mary Ball Road in front of the Judicial Center making it difficult to see oncoming traffic.

### Fleet's Island Drainage

Mr. Geilich said VDOT performed some bridge work off VSH 695/Windmill Point Road and when we have heavy rains the ditches down in Fleet's Island overflow and asked if they could take a look at the drainage system.

## VSH 624/Rocky Neck Road Tree Removal Needed

Mr. Jenkins stated on VSH 624/Rocky Neck Road there is a tree that looks like it is in danger of falling across the road and needs to be removed.

### **PUBLIC HEARING**

1. Ordinance to Rename the Industrial Development Authority to the Economic Development Authority – Mr. Larson said at the April 28, 2011 regular monthly meeting of the Lancaster County Board of Supervisors, the members authorized the advertisement of an ordinance amendment to change the name of the Lancaster County Industrial Development Authority (IDA) to the Lancaster County Economic Development Authority (EDA).

Mr. Larson stated many Virginia communities have changed the name of their IDA to EDA to more closely describe the work of the authority. Frequently, citizens believe the word Industrial in the name applies to heavy development, smokestacks, etc. The work of the authority is to improve economic development within a community in many ways, including education, medical services, youth employment, etc.

Mr. Larson said the proposed language of the amendment is:

Section 2-2 (b) of the Lancaster County Code of Ordinances:

(b) the name of the political subdivision created hereby shall be the industrial economic development authority of the county (the authority).

Dr. Russell stated as discussed earlier this gives us an identity in terms of economic development, makes the county more visible and has already given money to summer jobs program and has established a satellite office for Rappahannock Community College.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Dr. Russell made a motion to adopt the Ordinance to change the title of the Industrial Development Authority to the Economic Development Authority.

#### ROLL CALL

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

2. Application for Special Exception – Margaret C. Dunfee and Paola C. Roe – Mr. Gill presented an Application for Special Exception by Margaret C. Dunfee and Paola C. Roe to expand/enlarge an existing authorized non-conforming residential structure on a 0.93-acre parcel described as Tax Map #36-8C. This property is located at 3425 Windmill Point Road (VSH 695) in District 3.

Mr. Gill said the residential structures on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance (6/1/1975), and therefore are authorized non-conforming structures. Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill stated the proposed 12' x 14' addition will conform to all setback requirements of the R-1, Residential General District and is located outside the 100-foot Resource Protection Area as depicted on the site plan provided for the Board of Supervisors' review. Many similar-sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill said the adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no response from the public.

Mr. Jenkins asked if it was just the lot size non-conforming.

Mr. Gill said the house itself is within the opposite side yard setback, the addition is going on the other side of the house which will meet setbacks.

Chairman Beauchamp opened the public hearing.

Hearing no comment, Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to approve the Application for Special Exception by Margaret C. Dunfee and Paola C. Roe to expand/enlarge an existing authorized non-conforming residential structure on a 0.93-acre parcel described as Tax Map #36-8C located at 3425 Windmill Point Road (VSH 695).

VOTE:	
B. Wally Beauchamp	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye
Peter N. Geilich	Aye
Jack S. Russell	Aye

3. Amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance – Mr. Gill presented an Amended Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120%. This revision is intended to make permitted uses more consistent with the spirit and intent of this zoning district.

Mr. Gill said this proposed zoning ordinance amendment was initiated by motion of the Planning Commission at its April 21, 2011 meeting after the discussion of the first rezoning application for the new R-4, Residential Community District. As the board will recall, the R-4 District was adopted by the Board of Supervisors on April 30, 2009 as the replacement for the old R-2 District that had been repealed in 2005.

Mr. Gill stated the discussion at the April 21, 2011 Planning Commission meeting (minutes were provided to board) centered on the median family income range used as the basis for approving density bonuses and whether dwellings designed for the Section Eight Housing Program would qualify under the current language of 80–120 percent. Staff's interpretation of the current language is that if dwellings are affordable to families with incomes below the 80 percent level, as is typical of Section Eight families, then they are certainly affordable to families within the 80 to 120 percent range, and therefore Section Eight homes would qualify. Mr. Jenkins reiterated that the ordinance should not exclude people whose income falls below the 80 to 120 percent median family income range, and suggested that the lower limit be removed since market forces would determine the type of development below the 120 percent level. The Planning Commission believed that some number should be assigned at the lower end of the scale to protect the rights of property owners near or adjoining potential R-4 properties.

Mr. Gill said the Planning Commission requested this ordinance amendment because of the ambiguity in the current language which, under different interpretations, could have the unintended consequence of excluding Section Eight homes from this density bonus provision, since Section Eight homes fall below the 80 percent level and the ordinance specifically states a range between 80 and 120 percent.

Mr. Gill stated Tina E. Reamer, Administrative Agent for the Housing Choice Voucher (Section Eight) Program in Lancaster County advised that she

can place families in the Section Eight program at the 50 percent median family income range and below. Bill Warren, a county resident and one of the principals in the development of Mercer Place, the newest affordable housing project in our area, sent an email which also states that Section Eight Housing uses the 50 percent median family income.

Mr. Gill said as a result, a proposal to amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120% has been advertised. This revision of the lower limit should solve the ambiguity of the current ordinance language because at the 50 percent median family income level, Section Eight homes will qualify and will not be unintentionally excluded from the density bonus provision. In addition, the 50 percent level, versus no lower limit, will provide a greater degree of protection for property owners near or adjoining potential R-4 properties that the dwellings built as a result of the density bonus provision will not be “shacks”.

Mr. Gill stated the Planning Commission conducted its public hearing of this zoning ordinance amendment at its meeting on May 19, 2011.

Mr. Gill said the advertising has been conducted as required by law. To date, there has been no response from the public.

Mr. Jenkins stated his position for advising the Planning Commission is that the amendment was not necessary. He said you read Section 6A-4-2; it is not exclusive people whose median income falls below the designated amount. There might be some misinterpretation, if the amount is to be lower than is fine, but it will not change anything. If the lower level is dropped down to 50% he does not believe that causes any harm, but the fact is the way the ordinance is written, if a house is affordable to someone who has 50% - 120% of the median income it is affordable to someone who has 80% of the median income.

Dr. Russell said someone else might interpret it differently.

Mr. Jenkins stated an ordinance must not be written to exclude someone based on their income.

Mr. Beauchamp asked if this would have any adverse affect and asked Mr. Gill for his opinion.

Mr. Gill said staff's interpretation agrees with Mr. Jenkins, however; the Planning Commission's language states between 80% - 120% and Section 8 housing typically qualifies at 50% and below. Therefore the Planning Commission thinking was to lower the lower number down to 50% and then there will be no question that Section 8 housing would qualify. He said the R-4 has a base density of two units per acre and can be increased to three units per acre if 10% of the houses are built in that range, if 20% is built in that range it can be increased to four units per acre.

Chairman Beauchamp opened the public hearing.

Hearing no comment, Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to approve the Amended Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120%.

#### ROLL CALL

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

4. Application for Change of Zoning District Classification from R-1, Residential General to R-4, Residential Community – Lewis F. Conway – Mr. Gill presented an Application for Change of Zoning District Classification from R-1, Residential, General to R-4, Residential Community by Lewis F. Conway for a 1.026-acre parcel described as Tax Map #28-106A. This property is located at 953 Irvington Road in District 4.

Mr. Gill stated the Planning Commission conducted a public hearing on this issue at its April 21, 2011 meeting, however the vote was tabled until its May 19, 2011 meeting to give staff time to review and propose a revision to the R-4 ordinance to clarify and rectify the possible unintended consequence of excluding Section Eight homes from the density bonus provision of the R-4 District. The preceding proposal at public hearing to amend Article 6A-4-2 and 6A-4-3 of the Zoning Ordinance to revise the median family income range used as the basis for approving density bonuses from the current 80%-120% to the proposed 50%-120% will rectify any unintended exclusion of Section Eight homes from the R-4 District. With that zoning ordinance amendment acted upon by the Board of Supervisors, this rezoning request can now be considered.

Mr. said this is the first potential rezoning to the new R-4, Residential Community District that was adopted by the Board of Supervisors on April 30, 2009. The applicant currently has a duplex on this parcel and wishes to add a third dwelling unit, which is not allowed under the current zoning. The R-4 District is the only district that will allow this multi-family use.

Mr. Gill stated this request conforms to the statement of intent of the R-4 District and is considered reasonable and appropriate for several reasons. The property is located within the designated Primary Growth Area (PGA) for Lancaster County, which is the triangular shaped area between the three incorporated towns of Kilmarnock, Irvington and White Stone. This area of the PGA is served by central water and sewer and is in very close proximity to the

corporate limits of the Town of Kilmarnock. The attached site plan verifies that all setback, open space, parking and storm water management requirements can be met. The deed restriction required by Article 6A-4-4 is currently being drafted and will be provided at the meeting.

Mr. Gill said included in this package is the rezoning application, the GIS map and the rezoning site plan of development for this parcel. A copy of the R-4 Zoning District Ordinance was included in the preceding public hearing package.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. To date, there has been one inquiry from the public for additional information.

Chairman Beauchamp opened the public hearing.

Hearing no comment, Chairman Beauchamp closed the public hearing.

Dr. Russell made a motion to approve the Application for Change of Zoning District Classification from R-1, Residential, General to R-4, Residential Community by Lewis F. Conway for a 1.026-acre parcel described as Tax Map #28-106A located at 953 Irvington Road.

VOTE:		
B. Wally Beauchamp		Aye
F. W. Jenkins, Jr.		Aye
Ernest W. Palin, Jr.		Aye
Peter N. Geilich		Aye
Jack S. Russell		Aye

## **CONSENSUS DOCKET**

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

### A. Minutes for April 28, 2011

Recommendation: Approve minutes as submitted

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

## **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

### 1. Approval of May 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for May 2011 in the amount of \$217,891.12\* and Invoice Listings for May 2011 in the amount of \$860,272.13\*.

\*Judicial Center Expenses \$14,620.93

\*Capital Improvements \$124,720.20

\*Linx Grant \$134,467.79

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

2. FY 2012 Budget Issues – Mr. Larson stated there are budget issues not completely addressed at the May 24, 2011 FY 2012 Budget Work Session.

Mr. Larson said he received emails for Mr. Geilich to other Board members calls for a discussion of certain budget issues to include fire departments, rescue squads, and Bay Aging. With respect to fire departments, funding requested by Mr. Haywood for pagers has been included in the budget. Further discussion is needed with respect to the amount of time now or recently covered by volunteers that may be moving to paid services. This in turn may drive realignment of funds in the budget from contributions to volunteer group(s) to paid salaries or part-time. Level funding is currently proposed for Bay Aging. As a last item, Board member may wish to comment on the Capital Improvement Budget approved by the Planning Commission and alternatives to funding it.

Mr. Geilich stated he was comfortable with the pager issue which includes fire departments and rescue squads. He does have concern with the Bay Aging level funding request since they are currently going thought some significant management/administrative issues and more consideration should be given.

Mr. Jenkins agreed with Mr. Geilich as the organization has gone through some upheaval. He suggests that the board give them one more shot and get additional information from Bay Aging and re-evaluate the request.

Dr. Russell said he wants to give the new Bay Aging board the benefit of the doubt and it would be good to keep a watchful eye on it and see how well their stewardship is progressing.

Mr. Geilich suggest that the appropriate staff, board members, and/or financial review committee take a closer look and consider a special meeting on any issue(s) and/or concern(s) found during the review before the regular Board of Supervisors June meeting when the budget will be considered for approval.

Mr. Beauchamp and Dr. Russell both agreed with Mr. Geilich's suggestion.

Mr. Larson said the rescue squads volunteers are giving up hours and suggest more money be put into part-time paid service because we are incurring more costs for part-time.

Mr. Jenkins said keep in mind the cost of the equipment when making your analysis.

Mr. Larson suggested advertising the overall budget including the Capital Improvement Budget recommended by the Planning Commission with the exception of replacement of the emergency services response vehicle. He stated Mr. Pennell has spoken with Christina Hubbard, Chief of Emergency Services and she said the emergency services response vehicle does not need to be funded this year as the vehicle is safe and still runs well. There is additional funding because items are carried over from year to year.

Mr. Jenkins made a motion to amend the Capital Improvement Budget removing the emergency services response vehicle.

VOTE:		
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye

## **BOARD REPORTS**

None

## **COUNTY ADMINISTRATOR**

Mr. Gill said Mr. & Mrs. Andrushko was present at this meeting because they own property near the Golden Eagle golf course which was once part of the old Golden Woods subdivision. The Golden Woods subdivision was bought piecemeal by the New Tides Resort. Their property has been landlocked without legal access to their property. There was a subdivision bond on file for the old Golden Woods subdivision and believe that significant information has been provided on behalf of the Andrushkos to call that bond and create legal access to their property. He needs to go over a few items with the county attorney but just for the Board of Supervisors knowledge that road bond will be called.

Dr. Russell asked how many house are in the Golden Woods subdivision.

Mr. Gill said there were originally seven lots. However, three of those lots had access on Old Salem Road and the other four lots would have access by the road that the road bond was supporting. There is a provision in the zoning ordinance which allows a private access drive to serve four lots of certain topography which this would fall into. He said when this subdivision was created in the late 1980's the bond was put up to have the road meet VDOT standards, however; the amount of the bond will not cover a road that meet VDOT standards in today's economic. The proposed road is a private access drive which would serve not only the Andrushkos but the other three properties as well.

## **ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye
	Jack S. Russell	Aye