

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Tuesday, May 30, 2006.

Present: F.W. Jenkins, Jr., Chair  
Peter N. Geilich, Vice Chair  
B. Wally Beauchamp, Board Member  
Jack S. Russell, Board Member  
Ernest W. Palin, Jr., Board Member  
William H. Pennell, Jr., County Administrator

Others

Present: Sean Trapani, Clifton Balderson and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo

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

**PUBLIC INPUT**

None

**PRESENTATION**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Trapani said mowing on the primary system was almost completed.

Mr. Trapani said the paperwork has been submitted for the traffic light study at the intersection of VSH200/Irvington Road and James Jones Memorial Highway/Harris Road.

Mr. Beauchamp stated he spoke to the Lancaster Sheriff's Office and they indicated there were eight known accidents reported at that intersection.

Mr. Trapani stated VDOT still does not have a budget and it appears as there will be major cuts in funding for the Northern Neck area. The board may need to review the priorities on the Six Year Plan.

Dr. Russell asked if Taylor's Creek Road Project would remain at the top of the Six Year Plan.

Mr. Trapani assured Dr. Russell that Taylor's Creek Road Project will remain at the top of the list.

Mr. Jenkins requested a speed study be done on Morattico Road where the Golf Cart designation was placed.

Mr. Trapani said he would submit the speed study request.

## **PUBLIC HEARINGS**

1. Application for Special Exception – Morgan O. Tiggler – Mr. Larson presented an application for a Special Exception by Morgan O. Tiggler to have a manufactured home on property described as Tax Map #34-132 which is located on VSH 654, Newtown Road, near White Stone, Virginia and in Voting District 4.

Mr. Larson stated Mr. Tiggler requires a special exception to place his home because it does not have the requisite roof pitch for placement by right on

this R-1, Residential, General property. He intends to meet all other requirements for placement by right including having a solid masonry foundation. He has also obtained certification of a suitable septic site, will meet setback requirements in the placement of the home, and has certified that he will occupy the home.

Mr. Larson said adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Chairman Jenkins opened the public hearing.

Hearing no public comment.

Chairman Jenkins closed the public hearing.

Dr. Russell made a motion to Approve the Application for Special Exception for Morgan O. Tiggler.

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

2. Application for Change of Zoning District Classification – David B. Westhoff –  
Mr. Larson presented an application by David B. Westhoff for a Change of Zoning District Classification from C-2, Commercial, Limited to R-1, Residential, General on Tax Map #16-10E. This property is on Route 3, in Lancaster, VA and is in Voting District 2.

Mr. Larson stated this could be described as a directed application for change of zoning district classification. The principal structure on the property served as a model and office for a home construction business at the time that it was constructed. The business is no longer in existence, and the Westhoffs have been occupying the principal structure as a residence. Single-family residence is not a permitted use in the C-2, Commercial, Limited zoning district. The Westhoffs were so notified in his correspondence to them dated December 13, 2005 and have elected to apply for rezoning. Members of the Planning Commission concurred at the regular April 20, 2006 meeting, that rezoning to residential would still be consistent with zoning of other properties in the immediate vicinity.

Mr. Larson said adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the public concerning this consideration of the request.

Chairman Jenkins opened the public hearing.

Hearing no public comment.

Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to Approve the Application for Change of Zoning District Classification for David B. Westhoff from C-2, Commercial, Limited to R-1, Residential, General on Tax Map #16-10E.

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

3. Application for Special Exception – Winfield W. and Loriann L. Talley – Mr. Larson presented an Application for a Special Exception by Winfield W. Talley and Loriann L. Talley to place a data antenna on property identified as Tax Map #25-211 (part). This property is located at 343 Ottoman Ferry Road, Ottoman, Virginia in Voting District 1.

Mr. Larson stated this is continuation of placements by Kaballero.Com of data antennae on property located throughout the county. The purpose of these placements is to expand the capability to provide wireless internet service to their customer base. Like the previous placements, a slender, mental antenna will be placed atop a standard telephone pole to a height of approximately 80 feet. Previous placements have not been opposed and, in most cases, have been supported by interested members of the public as a means of providing a desired service.

Mr. Larson said adjoining property owners have been notified, and advertising has been conducted as required by law. To date two adjoining property owners have reviewed this application. Neither expressed opposition to it.

Chairman Jenkins opened the public hearing.

Hearing no public comment.

Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception for Winfield W. and Loriann L. Talley to place a data antenna on property identified as Tax Map #25-211 (part).

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye

B. Wally Beauchamp	Aye
Jack S. Russell	Aye
Ernest W. Palin, Jr.	Aye

Mr. Geilich stated he would have to abstain from all discussion on the Application for the following Special Exception for SBA Network Services because of a conflict of interest from his ownership of stock in the parent company.

4. Application for Special Exception – SBA Network Services (Lancaster County) – Mr. Larson presented an Application for a Special Exception by SBA Network Services to place a telecommunications tower on Lancaster County property identified as Tax Map #15-82. This property is off VSH 3, Mary Ball Road, Lancaster, Virginia in Voting District 2.

Mr. Larson stated this application is recommended for approval based on the favorable review of the application by Resource International. This is the first application by a tower service provider requiring processing in accordance with Article 25 of the Zoning Ordinance. Given that the requisite expertise is not available in-house to provide the level of review required, Resource International was contracted to do so. As evidenced by their letter dated May 9, 2006 there are four conditions to their recommendation for approval. Two of these conditions have been met, and the remaining two will be. There is a concern, which will be addressed by an engineers' report such as a fall zone radius. The real issue with the setbacks is to ensure that if the tower comes down it will not go off county property. The tower is designed to collapse instead of falling over. Mr. Datt has stated the engineers are working on the fall zone radius report and the county will be provided with that as soon as it is completed. Lancaster County has been identified as the property owner in advertising for this hearing, and the County Administrator has signed the application on behalf of the County as the co-applicant. A letter from SBA Network Service dated May 10, 2006 was

submitted for the board's review which stated that the tower will be designed to accommodate five carriers. Acceptable indemnification will be provided in the lease agreement that has been reviewed by the County Attorney who is negotiating modifications that will be acceptable to both parties. A performance bond in the amount of \$75,000 as required by Article 25-21 of the Zoning Ordinance will be obtained prior to the issuance of a building permit.

Mr. Larson said adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Mr. Jenkins asked exactly where the tower would be located. He said it appears to be north west of the county boundary lines. How far from the county property line?

Mr. Larson said 67' from the property line.

Mr. Jenkins stated this application for special exception could be continued until the June 1, 2006 meeting.

Mr. Pennell asked if it can be continued until the regular Board of Supervisors meeting June 29, 2006, because he does not believe they can provide the board with an engineers report by June 1, 2006.

Mr. Datt said the engineers report would not be available for the June 1, 2006 meeting because the engineers have to revisit the site.

Chairman Jenkins opened the public hearing.

Mr. Horne asked if existing antennas on the tower behind the Sheriff's office will they be granted access to the tower and asked about emergency service access.

Mr. Pennell stated the requirements of the county ordinance are that they will make the tower available to whoever wants to lease space.

Mr. Larson said the Sheriff's tower will remain.

Ms. Shannon O'Connor, representative for Cingular Wireless, said the county wanted the tower on county property and the county has been working with Andrew Datt of SBA Network Services. She understands the preference is to locate a structure on county property. All the provisions have been met, but recently there has been discussion about changing the drawing to move the tower location approximately 60' to the west. She stated it is a very remote possible that the tower would fall and if it does fall it is constructed in a way so that it breaks off at certain point, so that it does not fall over in its entirety. The perimeter of 120' – 130' is what they are looking at, to ensure that the tower would fall on county property and meet the fall zone requirements.

Mr. Palin asked if it was feasible for the move to be made on the property.

Ms. O'Connor said yes, SBA has spoken to the engineers and the engineers have certified that it can be done. The engineers need to go back out to the site and submit a new set of detailed site plans.

Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception for SBA Network Service (Lancaster County) contingent upon meeting the conditions set forth in the review report.



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

**CONSENSUS DOCKET**

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

- A. Minutes for April 20, 2006, April 27, 2006, May 2, 2006, May 4, 2006, May 11, 2006, and May 18, 2006

Recommendation: Approve the minutes as amended

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of May 2006 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for May 2006 in the amount of \$172,864.57 and Invoice Listings for May 2006 in the amount of \$442,228.47.

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

2. Application for Change of Zoning District Classification – Frederick K. West – Mr. Larson presented a request by Frederick K. West to rezone property described as Tax Map #28-139 from R-1, Residential, General to R-3, Residential, Medium General. This property is off VSH 1036, Harris Road, near Kilmarnock, VA in Voting District 4.

Mr. Larson said at the August 18, 2005 meeting of the Planning Commission a decision to forward this request to the Board of Supervisors recommending approval was made. The Board of Supervisors held a public hearing on the issue at its September 29, 2005 regular meeting but continued consideration until the December 29, 2005 regular meeting. Consideration was again continued at the meeting until the May 30, 2006 regular meeting. Mr. West, recognizing that the conditions that resulted in the issue being continued from the previous meetings remain unchanged, has requested another continuance for an indefinite period. While the Board of Supervisors must provide a decision within a year of first considering the request, the County Attorney concurs that this requirement does not hold if the applicant voluntarily requests a continuation. It is therefore recommended that Mr. West’s request for continuance be approved.

Dr. Russell made a motion to Approve the Request for an indefinite Continuance by Frederick K. West’s Application for Change of Zoning District Classification.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye

B. Wally Beauchamp	Aye
Jack S. Russell	Aye
Ernest W. Palin, Jr.	Aye

3. Final Subdivision Plat Approval – Stonegate – Mr. Larson stated as required by Article 3-7 of the Subdivision Ordinance, this twelve-lot subdivision is submitted for final plat review and approval to the Board of Supervisors. The subject property is in Voting District 5.

Mr. Larson stated the Board of Supervisors granted preliminary plat approval for the subdivision contingent on submission of acceptable covenants at its May 26, 2005 regular meeting. An extension on the six-month limit for submission of a final plat to May 31, 2005 was granted at the December 29, 2005 regular meeting. As evidenced by the checklist, this final plat does meet all the requirements in my judgment for final approval contingent on VDOT approval of the road plan and profile. While discussions between VDOT and the applicant have been ongoing over the last year the final plan and profile was submitted in the last two weeks. Assuming that plans submitted meet all requirements of VDOT, approval of the plans should be forthcoming shortly.

Dr. Russell stated he understands this is for single family homes, however; in the covenants there is one detached guest quarters on each lot. What is being approved?

Mr. Larson said the board is approving a subdivision of property that is zoned R-1. This has to meet the area requirements for suitable septic site or provision for wastewater treatment and water, and requirements for VDOT interior subdivision road and the entrance off the existing state road. As far as the covenants are concern, they are requested to ensure that any common property is properly managed. The covenants are part of the county's check list. The county will not be involved in the enforcement beyond what is in the zoning ordinance.

Mr. Beauchamp made a motion to Approve the Final Subdivision Plat for Stonegate contingent on approval of road plans by Virginia Department of Transportation (VDOT).

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

4. Refinish Middle School Gym Floor –Capital Improvement Fund – Mr. Pennell stated Dr. Latimore submitted an information package asking the Board of Supervisors to transfer \$10,500 from the Capital Improvement Fund to the School Funds to pay for repairs to the Middle School gym floor.

Mr. Pennell stated there are two issues he believes the Board of Supervisors must consider before approving the supplemental funding for the project:

- If the only plausible reason for the water damage to the floor is a broken storm drain in the ceiling last year – it seems that this should be covered by the schools P & L insurance. Has the school division appealed the insurance company’s decision not to cover the damage or has the school division asked the school’s attorney to pursue insurance coverage of the damage?
- There is only one quote for the repairs in Dr. Latimore’s information. I don’t know if this can qualify as an emergency procurement process but believes that it can not. The concern is there should be more than one bidder on the work.

Dr. Latimore stated they have contacted Rick Carter, the school board attorney; he is reviewing the policy and working with the insurance company to see if the damage to the middle school gym floor to see what type of payment can be made, if any. Unfortunately they can not pinpoint where the leak began, which is why the insurance company denied the claim, however; the school attorney is working with the insurance company. There was some termite damage and the exterior drain issue may have been caused by termites. The termite issue has been resolved and the necessary repairs to the exterior drain have been completed. The school had four companies look at the gym floor and only one company submitted a bid.

Mr. Geilich asked if any local companies could do the work.

Dr. Latimore said they had two local companies look and one of the companies did some of the initial work. But choose not to submit a bid.

Mr. Jenkins said because of the nature of work, repainting the lines and logo, they have to get someone who specializes in that type of work.

Dr. Latimore said should the school receive any revenue from the insurance on the claim, the school will return it to the county.

Mr. Jenkins made a motion to Approve the transfer of \$10,500 from the Capital Improvement Fund to the School Funds to pay for repairs to the Middle School gym floor; upon the contingency that the county will receive the revenue reimbursement should the insurance pay the claim.

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

## **BOARD REPORTS**

### **Appointments**

#### **Board of Zoning Appeals**

Mr. Beauchamp made a motion to recommend reappointment for Thomas Richardson to the Board of Zoning Appeals to represent Lancaster County District 5 for a five-year term ending June 30, 2011.

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

#### **Historic Resource Commission**

Dr. Russell made a motion to reappoint Sandra Smyre to the Historic Resources Commission to represent Lancaster County District 4 for a three-year term which ends June 30, 2009.

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

#### **Wetlands Board**

Mr. Jenkins made a motion to reappoint Edna Revere to the Wetlands Board to represent Lancaster County District 1 for a five-year term which began July 1, 2006 and ends June 30, 2011.

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

**COUNTY ADMINISTRATOR REPORT**

None

**CBLAD REPORT**

Mr. Larson stated June 1, 2006 will mark the one year anniversary of implementation of the county’s revised regulation of the Chesapeake Bay Protection Ordinance. When the county entered the new regulation, it was believed that it could turn into a number of hearings coming before the board each month. That has not been the case; in fact the first will be before the board next month. The Chesapeake Bay Protection Ordinance is working well.

**ADJOURNMENT**

Motion was made by Mr. Palin to adjourn the meeting to Thursday, June 1, 2006 at 4:00 p.m. for a budget work session to be held in the General District Courtroom.

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