

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, May 31, 2012.

- Members Present: B. Wally Beauchamp, Chair
 F.W. Jenkins, Jr., Vice Chair
 Ernest W. Palin, Jr., Board Member
 Jason D. Bellows, Board Member
 William R. Lee, Board Member
- Staff Present: Frank A. Pleva, County Administrator
 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

Corrotman by the Bay (CBTB) Road Concerns

Maria Merkowuitz, CBTB resident said there is a state maintained road in the subdivision without a centerline. She requested that VDOT put a centerline on the road.

Mr. Harper, VDOT, stated he received the request just prior to this meeting about the centerline, speed study, signage and golf carts. This request will be forwarded to the Traffic Engineering Division which takes approximately 45 days.

John Pace, CBTB resident said there are some serious road safety issues, particularly in the two mile stretch of Corrotman Drive. There need to be a centerline, speed limit reduction, better signage (speed limit, children playing, bikes, and golf carts). The speed limit needs to be enforced.

Mr. Beauchamp told Mr. Pace he should contact the Sheriff's office stating his concerns and ask for increased enforcement.

Mr. Pace stated he has already done so.

Medical Emergency Services Concerns

Mark Sowder stated he has 35 years of experience in fire and rescue, and law enforcement and currently lives in Kilmarnock. He said there needs to be a Fire and Rescue Organizational Board because the system is broken with no direction. He stated he currently volunteers with Mid County in Heathsville because he can not work in this county. Volunteers are needed in the stations to go out immediately when a call is received and an Advanced Cardiac Certified person should be available. He said he supports Chief Hubbard but 24-hour, 365 day service is needed in the county for the public's safety.

Jim Anderson said he is a concerned citizen and former President of the Kilmarnock Volunteer Rescue Squad and wanted to address some of the concerns in a letter which was published in the Rappahannock Record about lack of Advance Support provided by the KVRS during the night shift. Even though KVRS is well staffed with basic level of coverage, there is a need for advanced level of care during the hours of 6:00 p.m. – 6:00 a.m. There are only two advanced certified volunteers out of forty members at the KVRS. He said Upper Lancaster can provide Advance Support if needed, however; KVRS has consistently refused to make this work. He can not believe that the help is being rejected by the volunteers, since it should be all about patient care. The response to the letters only made it worst by stating that the State only requires the minimum level of staffing and does not require advanced personnel. The other comments were advanced personnel are not needed in a rural environment and a basic EMT can do everything a paramedic can do. He hopes that the Board can start moving in a direction that will improve the care for citizens of Lancaster County which will be fair, equal and

of high quality during both day and night shift. He said he is willing to volunteer for a committee to assist.

Mr. Beauchamp said that Mr. Pleva has been attempting to set up a meeting for the last 45 days with KQRS EMT volunteers. He asked Mr. Pleva if that has happened?

Mr. Pleva stated there is a meeting scheduled within the next two week with two KQRS officials.

Jones Felby, Bluff Point Road resident, said he is served by Kilmarnock and is thankful for the rescue squad. He said the rescue squad has improved over the years, but because changes happen so frequently the county has to be prepared to assist with moving forward before the county faces a lawsuit. He stated he would be willing to volunteer as an advisor on an organizational committee.

Mr. Jenkins stated he feels as if this board meeting is being high jacked and this is an issue that is currently being worked on.

Charles Lee stated he was a member of the volunteer rescue squad in the 1960s. He had his first heart attack at the age of 36 years old and would like to have someone with certifications working on him. He would like to see all the citizens receive excellent service.

Doug Power, Irvington resident, stated the Board of Supervisor has to take charge of this issue as we have gone beyond the volunteer method of running the rescue squad. The Board needs to find the funding to fix this rescue squad issue for the citizens of Lancaster County.

PRESENTATION

- 1 . Virginia Association of Counties (VACo) – Mr. Pleva said VACo is the best thing

that has happened to counties and they cater to local government. He introduced Mr. John Kandris to give the Board an update of services.

John Kandris said VACo is one of the few organizations that has 100% membership. VACo is the singular voice for localities in Richmond. He provided the Board with VACo's FY 2012-2014 Budget Summary. The full legislature summary is due out soon. They have a number of good training programs and the annual meeting. He thanked the Board for their support and asked them to continue to stay involved.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Corrottman by the Bay

Mr. Harper stated he appreciated the concerns of the CBTB citizens and will start the process to forward the information to the engineering departments.

Kilmarnock Truck Bypass Update

Mr. Harper said the James Jones Memorial Highway/Kilmarnock Truck Bypass has been approved and signage has been erected.

County Maintenance

Mr. Harper said mowing will be completed in the county within 8 - 10 days if weather permits. The next mowing will start in July.

Mr. Harper said plant mix has begun in White Stone. They are currently milling and will be paving next week.

Mr. Harper stated VSH 354 is on the plan for next year to have two sections

paved from VSH 3 to Morricatto Road and the last two miles on the lower end.

Devils Bottom Bridge Work Update

Mr. Harper stated the work on the VSH 614/Devil's Bottom Road bridge work has been scheduled to begin June 18, 2012. The signs will be erected next week and a barricade will be put in place two days before the work begins. The road will be closed for approximately 30 – 40 days.

Speed Study Request

Mr. Harper said he got the speed study on VSH 3 from the Courthouse to the dual highway. Due to the number of accidents at Regina Road, Pickardsville Road, and Devils Bottom Road, they will replace all the warning signs for each of the intersections with the road names underneath the signs.

PUBLIC HEARING

1. Application for Special Exception – Frederic D. and Donna J. Edmonds – Mr. Gill presented an Application for Special Exception by Frederic D. and Donna J. Edmonds to place an 80 feet data antenna/pole for wireless Internet access on an 8.07-acre parcel described as Tax Map #21-35. This property is zoned R-1, Residential General and is located at 307 Spring Hill Road in District 1.

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

Mr. Gill stated there are no zoning issues with the location of this

antenna/pole. It has the potential to serve many homes in this area near the Merry Point ferry.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been one response from the public requesting additional information.

Chairman Beauchamp opened the public hearing.

Tom Foulkes, Northern Neck Wireless Internet said this pole would be a good addition to their network and would service a number of Lancaster County residents.

Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Frederic D. and Donna J. Edmonds to place an 80 feet data antenna/pole for wireless Internet access on an 8.07-acre parcel described as Tax Map #21-35 located at 307 Spring Hill Road.

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

2. Application for Special Exception – Thomas E. and Esther W. Stevens – Mr. Gill presented an Application for Special Exception by Thomas E. and Esther W. Stevens to place an 80 feet data antenna/pole for wireless Internet access on a 3.03-acre parcel described as Tax Map #31-40. This property is zoned R-1, Residential General and is located at the intersection of Wood Road and River Road (VSH 354) in District 1.

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

Mr. Gill stated there are no zoning issues with the location of this antenna/pole. It has the potential to serve many homes in this area near Bertrand.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been one response from the public for additional information.

Chairman Beauchamp opened the public hearing.

William Hubbard stated he was representing T. D. Foster who is an adjacent property owner. He said Mr. Foster's opposition was that the antenna falls within the ordinance as a telecommunication tower, the dimensions of the property and placement of the pole. He asked that this request be denied or continued for further discussion.

Tom Foulkes, Northern Neck Wireless Interest said this would be a great benefit to the network and could service a number of citizens in the area. The 74' telephone pole which is 10' in the ground, will be dead center, against the trees, and just above the tree line.

Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Thomas E. and Esther W. Stevens to place an 80 feet data antenna/pole for wireless Internet access on a 3.03-acre parcel described as Tax Map #31-40 located at the intersection of Wood Road and River Road (VSH 354).

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

3. Application for Special Exception – Alice Christine and Melvin G. Grimes, III (Individual Manufactured Home) – Mr. Gill presented an Application for Special Exception by Alice Christine and Melvin G. Grimes, III to place an individual manufactured home on a 1.098-acre parcel described as Tax Map #34-192. This property is zoned R-1, Residential General and is located near the intersection of Ambrose Way and James Wharf Road (VSH 637) in District 4.

Mr. Gill stated Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (14 feet X 44 feet single wide). Previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill said this property has an existing septic site and well that served a prior home that has been removed. All front, rear and side setbacks can be met. Similar types of manufactured homes exist in this neighborhood.

Mr. Gill stated this issue has been advertised and adjoining property owners notified as required by law. To date, there has been one response from an adjoining property owner who was not opposed to this request and two callers who questioned if there was a good septic on site. He stated he was unable to get that information from the health department and because of the age of the old home, those records may not exist.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Lee made a motion to Approve the Application for Special Exception by Alice Christine and Melvin G. Grimes, III to place an individual manufactured home on a 1.098-acre parcel described as Tax Map #34-192 located near the intersection of Ambrose Way and James Wharf Road (VSH 637) if the septic information is provided and available at the site by the health department.

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

- 4 . Application for Special Exception – Steven E. and Amy Q. Ash – Mr. Gill presented an Application for Special Exception by Steven E. and Amy Q. Ash to expand/enlarge an existing authorized non-conforming structure on a 1.713-acre parcel described as Tax Map #33-194B. This property is zoned R-1, Residential General and is located near the end of Johns Neck Road (VSH 632) in District 5.

Mr. Gill stated the structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance (6/1/1975), and therefore is an authorized non-conforming structure. 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 said the applicant wishes to replace the existing one-story structure with a larger, two-story dwelling. The proposed dwelling will not encroach further into the existing non-conforming 25' front yard, so no variance is required from the Board of Zoning Appeals. The proposed dwelling will conform to all other setback requirements of the R-1, Residential General District. The

attached site plan verifies that the proposed dwelling will conform to the requirements of the Chesapeake Bay Preservation Act for redevelopment and mitigation of impervious cover within the 100-foot Resource Protection Area (RPA). The sole reason for this special exception request is that this authorized non-conforming structure is being enlarged. Other similar sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there have been two inquiries seeking additional information and one person in opposition.

Chairman Beauchamp opened the public hearing.

Mr. Pruitt stated he performed the survey if the Board had any questions.

Mr. Ashe stated he received an email from Mr. Cooley, and he was no longer in opposition to this request.

Chairman Beauchamp closed the public hearing.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by Steven E. and Amy Q. Ash to expand/enlarge an existing authorized non-conforming structure on a 1.713-acre parcel described as Tax Map #33-194B located near the end of Johns Neck Road (VSH 632).

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

- 5 . Update to the Comprehensive Plan – Chapter Two – Mr. Gill stated the Planning Commission has reviewed and updated Chapter Two of the Comprehensive Plan as required by the Code of Virginia.

Mr. Gill said the current Comprehensive Plan was adopted by the Board of Supervisors on September 27, 2007. The Code of Virginia Section 15.2-2230 requires that the Planning Commission review the Comprehensive Plan at least once every five years. As in previous reviews, chapters will be tweaked and sent to public hearing individually prior to being forwarded to the Board of Supervisors for approval.

Mr. Gill stated the Planning Commission reviewed Chapter Two of the Comprehensive Plan at its February and March meetings and held a public hearing at its April meeting. All of the changes requested at the prior Planning Commission meetings have been made and are highlighted on the draft of Chapter Two of the Comprehensive Plan provided to the Board for their review.

Advertising has been conducted as required by law. To date, other than the discussion at prior Planning Commission meetings, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the update to the Chapter Two of the Lancaster County Comprehensive Plan.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Jason D. Bellows Aye
William R. Lee Aye

CONSENSUS DOCKET

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

A. Minutes for April 12, 2012 and April 26, 2012

Recommendation: Approve minutes as submitted

B. Abstract of Votes – Town General Election held May 1, 2012

Recommendation: Accept abstracts as submitted

C. Local Board of Building Code Appeal Update

Recommendation: Accept recommendation as submitted

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of May 2012 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for May 2012 in the amount of \$223,400.95 and Invoice Listings for May 2012 in the amount of \$462,729.39*.

*Capital Improvements \$16,650.50

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

2 . Lancaster County Treasurer – Request for Supplement Appropriation – Mr.

Larson stated that in a letter from the Lancaster County Treasurer, she has documented a requirement for additional funding to purchase two new fire proof cabinets because the current fire proof cabinets are in such bad shape. The drawers do not open properly.

Mr. Larson stated the quote to replace the two fire proof file cabinets is \$3,619.06 and the current budget line item 4100-12410-8202 is \$250. Mrs. Haynie is requesting a supplemental appropriation for FY12 to the Furniture and Fixtures line in the amount of \$3,400.00.

Mrs. Haynie stated the fire proof cabinets are in very bad shape and the drawers does not open properly. She said her office must have fire proof file cabinets.

Mr. Palin made a motion to Approve the Lancaster County Treasurer’s supplemental appropriation request for FY12 to the Furniture and Fixtures line in the amount of \$3,400.00.

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

3. Bellows Landing – Release of Road Maintenance Bond – Mr. Larson stated he received a letter from the Board of Governors of the Bellows Landing Homeowners Association requesting return of the \$2,500 cash bond held by the County.

Mr. Larson said for over twelve years a road maintenance bond has been held for subdivision roads in this subdivision. Initially this bond was posted by the developer and stayed in effect for an extended period of time because there was not the requisite number of homes (3) built within the subdivision for VDOT to accept the road into the system. This was in spite of the fact that all lots were sold. At the time there were three homes built, long, contested discussions between the developer and his representative and VDOT as to that which was required to be done were not fruitful and no action was taken. During this period of time, the developer died and resolution became a matter for his estate, further complicating matters.

Mr. Larson stated that approximately six years ago when the homeowners association was fully in the hands of the homeowners, a cash bond in the amount of \$2,500 was posted to replace the performance bond no longer maintained by the developer's estate. Through accrued interest this amount has grown to \$2,682.97 as of April 30, 2012 and is the actual amount that would be returned.

Mr. Larson said at present the bond is totally inadequate to meet VDOT requirements and therefore does not serve the intended purpose. As indicated in their letter, the homeowners accept full responsibility for the road. Return of this cash escrow serves the best interests of all concerned.

Mr. Bellows made a motion to Approve the Release of Road Maintenance Bond in the amount of \$2,682.97 to Bellows Landing Homeowners Association.

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

BOARD REPORTS

Mr. Jenkins stated the public input session should not be used as a plan attack. The Board has a very generous policy of letting people get on the agenda and if a group has concerns they need to contact the County Administrator for any detailed discussion. The public input session should have a five minute time limit.

COUNTY ADMINISTRATOR

Mr. Pleva stated on future agendas it will be stipulated that there is a five minute time limit.

Mr. Pleva said Lancaster County received a good review from the State on implementing the IPR program.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

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