

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, October 27, 2016.

- Members Present: William R. Lee, Chair
Ernest W. Palin, Jr., Vice Chair
F. W. Jenkins, Jr., Board Member
Jason D. Bellows, 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. Lee called the meeting to order at 7:00 p.m.

PUBLIC INPUT

None.

PRESENTATIONS

1. Recognition of Bonnie J. Dickson, Treasurer for Receipt of the Virginia Government Accounting Certificate

Mr. Lee presented Ms. Dickson with a certificate recognizing her completion of the Virginia Government Accounting course.

VIRGINIA DEPARTMENT OF TRANSPORTATION

1. Work Session and Consideration of Setting a Public Hearing to Amend the Secondary Six Year Plan

Mr. Carter White, Acting Northern Neck Residency Administrator, introduced the new Northern Neck Residency Administrator, Stephen McKeever.

Mr. McKeever stated that he had started his new position this week. He stated that he was originally from Wise County and most recently worked at the residency in Accomack. He stated that he looked forward to working with the Board.

Mr. White referred to the approved Six-Year Plan and stated that the County must choose some projects to use existing funds. He stated that the Boys Camp Road had been mentioned as needing improvements and the preliminary estimate for that work was \$1.36 million dollars. He stated that would be a big project and not be completed within the six-year period.

Mr. White stated that he and Robert Harper had suggested paving twelve county roads with the available funds. He stated that their selections were based on traffic numbers and the amount of work that goes in to the maintenance of the roads. He stated that the roads they are recommending are 712, 689, 697, 745, 1303, 669, 1206, 678, 782, 1302, 726 and 1301.

Mr. Bellows asked if all the named roads would be worked on over the next six years.

Mr. White replied yes.

Mr. Bellows asked if the list was prioritized.

Mr. White replied no, but they would work on the roads with a higher traffic volume first.

Mr. Harper stated that each road that had been selected has a unique situation such as many homes located on it or a division between two roads.

Mr. Bellows asked if the decision needed to be made tonight.

Mr. White replied that a decision does not have to be made tonight, but by the public hearing.

Mr. Pleva stated that a proposed plan should be ready once the public hearing advertisement is put in the local paper.

Mr. White stated that he could formulate a plan and get it to Mr. Pleva.

Mr. Bellows and Mr. Palin stated that they would like to see a prioritized list of the roads to be paved, as well as a time table for paving.

Mr. White stated that after the plan has been approved, his office will again be coming back to the Board for their approval on resolutions that will name the roads, rural rustic roads. He stated that a rural rustic road means that they will pave the

existing road that with the possibility of adding stone or some minimal widening, if deemed necessary.

Mr. Bellows made a motion to set the Public Hearing to Amend the Secondary Six Year Plan for Thursday, November 17, 2016 at 7:00 p.m. or Monday, December 12, 2016 at 7:00 p.m., dependent upon meeting advertising deadlines.

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

Mr. Harper stated that construction on their new headquarters will begin around the end of November and will not cause any interruption in VDOT service.

Mr. Harper stated that mowing on the primary and secondary roads should be completed by the end of October.

PUBLIC HEARING

1. Application for Special Exception-Amy G. and Benjamin R. Humphreys, Jr. and Ben Vincent and Sue Lane Conrad

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was an Application for Special Exception by Amy G. and Benjamin R. Humphreys, Jr. (owners) and Ben Vincent and Sue Lane Conrad (contract purchasers) to expand/enlarge an existing authorized non-conforming structure on a 0.37-acre parcel described as Tax Map #33A-37. He stated that the property is zoned R-1, Residential General and is located at 373 King Carter Lane in District 5.

Mr. Gill stated that the residential structure on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance and therefore is an authorized non-conforming structure. He stated that 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 that the existing authorized non-conforming structure encroaches in the northern sideyard, 18.3-foot setback instead of the required 25-feet and the southern sideyard, 10.3-foot setback instead of the required 25-feet. He stated that the proposed addition will not encroach further in either sideyard, but will encroach 10-feet further into the frontyard, resulting in only a 29.7-foot frontyard setback instead of the required 55-feet from the edge of the 40-foot wide right-of-way and therefore required a variance from the Board of Zoning Appeals. He stated that the variance was granted by the Board of Zoning Appeals on September 26, 2016. He stated that the proposed addition is located outside the Chesapeake Bay Resource Protection Area Buffer and meets all other setback requirements of the R-1, Residential General zoning district. He stated that since the proposed addition is attached to the existing authorized, non-conforming main structure, it is expanding/enlarging that main structure's footprint, and therefore requires this special exception. He stated that many similar sized authorized non-conforming lots and structures exist in this neighborhood.

Mr. Gill stated that the parcel's existing well and septic system will accommodate the proposed addition to the home. He stated that adjoining property owners had been notified and advertising conducted as required by law and that to date, there had been no response from the public.

Mr. Jenkins stated that he would recuse himself from the vote because of his relationship with the contract purchaser applicants.

Mr. Lee opened the public hearing.

Ben Vincent, applicant, stated that he and Ms. Conrad had purchased the home last Friday. He stated that the home was originally renovated to be a weekend/summer home and Mr. Vincent and Ms. Conrad plan to make it their permanent home. He stated that, at the present time, the washer and dryer are located in the kitchen and the configuration of the storage space in the kitchen makes it difficult for Ms. Conrad to perform household tasks due to her back problems.

Mr. Lee asked if there were any objections from the neighbors.

Mr. Gill replied no.

Mr. Lee closed the public hearing.

Mr. Beauchamp stated that he checked the property yesterday and the Vincent/Conrad home is the next to last home on King Carter Drive and he thought that there would be no impacts to traffic.

Mr. Beauchamp made a motion to Approve the Application for Special Exception by Amy G. and Benjamin R. Humphreys, Jr. and Ben Vincent and Sue Lane Conrad

to expand/enlarge an existing authorized non-conforming structure on Tax Map #33A-37 in District 5.

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

VOTE: 4-0-1

2. Proposed Amendments to the Zoning Ordinance Article 5-Residential General District R-1, Article 6A-Residential Community District R-4 and Article 7-Residential Medium General District R-3

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was the Proposed Amendments to the Residential Articles of the Zoning Ordinance, which are Article 5, 6A and 7. He stated that the Planning Commission has unanimously forwarded each Article to the Board of Supervisors recommending approval of the proposed amendments.

Mr. Gill stated that Chapter Seven of the Comprehensive Plan states that following the completion of the comprehensive plan update, the County will undertake a review of the zoning ordinances to identify any provisions that negatively impact desired development patterns. He stated that the zoning ordinance will be revised to encourage and support appropriate nonresidential growth, while protecting those resources, features and qualities that comprise the local rural character and quality of life. He stated that the agricultural districts have been amended and now the Planning Commission has forwarded proposed amendments to the Residential Districts, Articles 5, 6A and 7.

Mr. Gill stated that with regard to residential districts, Chapter Seven of the Comprehensive Plan lists among its goals: ensure new development complements and enhances the character and quality of existing neighborhoods and communities by reducing the number of permitted uses in existing zoning districts to avoid mixed, incompatible uses within a zoning district, promote and support existing industries, especially those engaged in seafood harvesting and processing, aquaculture, forestry and agriculture and ensure that proper and

sufficient zoning and land use measures are in place to allow for responsible nonresidential growth.

Mr. Gill stated that during the last zoning ordinance review in 2007, many permitted uses that could consume large amounts of farmland or forestland, or could possibly increase density and traffic above levels appropriate for less dense residential districts, were removed. He stated that staff does not feel that a further reduction of permitted uses is needed. He stated that approximately forty percent of the county is zoned R-1, which is the least dense of the residential districts, approximately five percent is zoned R-3, which is more dense than R-1, but less dense than R-4, and only one parcel is zoned R-4, which is the most dense of the residential districts.

Mr. Gill stated that the Planning Commission held its public hearing on these proposed amendments at its September 15, 2016 meeting and all changes requested by the Commission have been made. He stated that changes have been recommended to enable accessory structures to be treated uniformly across all zoning districts. He stated that this logic is consistent with the changes already approved by the Board of Supervisors for the agricultural districts, which also enabled accessory structures to be taller than main structures. He stated that setback distances may be different from R-1 to R-3 to R-4, but a one-story accessory structure consistently requires the least setback and an accessory structure exceeding one-story consistently requires the same setback as a main structure. He stated that the individual manufactured home roof pitch requirement in R-1 is recommended to be reduced from 3.25:12 to 3:12 to reflect a similar change in that industry standard, which would eliminate many special exception requests. He stated that agricultural buildings are recommended to be added to the height regulation exemptions section of each district, as they are also exempt from the building code. He stated that the R-4 district, which is the most dense district, has agriculture as a permitted use, and R-1, which is the least dense, has agriculture as a permitted use, but with the restriction of a special exception requirement for animal and poultry husbandry on a commercial basis. He stated that since that restriction is in the least dense district, it should also be in the more dense districts, so it is recommended to be added to both R-3 and R-4.

Mr. Gill stated that advertising had been conducted as required by law and that other than the discussion at the prior Planning Commission meetings, there had been no response from the public.

Mr. Gill stated that one concurrent public hearing could be held for all three Residential Districts, but a separate vote was required for each Article.

Mr. Lee opened the public hearing.

There was no public comment.

Mr. Lee closed the public hearing.

Mr. Bellows made a motion to Approve the Amendments to the Zoning Ordinance Article 5-Residential General District R-1.

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

Mr. Beauchamp made a motion to Approve the Amendments to the Zoning Ordinance Article 6A-Residential Community District R-4.

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

Mr. Lee made a motion to Approve the Amendments to the Zoning Ordinance Article 7-Residential Medium General District R-3.

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

CONSENSUS DOCKET

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

1. Minutes for the September 29, 2016 Regular Meeting

Recommendation: Approve minutes as submitted

2. FY 17 Budget Appropriation for EMS Medical Technician Grant

Recommendation: Approve request as submitted

3. Declaration and Termination of Local Emergency for Tropical Storm Hermine

Recommendation: Approve documents as submitted

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of October 2016 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for October 2016 in the amount of \$253,988.13 and invoice listings for October 2016 in the amount of \$458,338.46*.

*Capital Improvements - \$44,443.75

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye

Jason D. Bellows Aye

B. Wally Beauchamp Aye

2. Precious Metals Ordinance

Detective Steve Sorensen of the Lancaster County Sheriff’s Department stated that for pawn shops in the County, state code would cover it and he had referenced the state code when working on the proposed ordinance.

Mr. Beauchamp stated that he thought the proposed ordinance would be a major assistance to law enforcement in Lancaster County. He referenced the prohibited purchases portion of the ordinance, which states “No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale” and stated that it concerned him because it places the burden of judgment on that business.

Mr. Palin asked Mr. Sorensen if obtaining a picture i.d would cover that requirement.

Mr. Sorensen replied yes.

Mr. Beauchamp stated that his other concern was requiring the business owner to obtain a permit with an associated bond.

Mr. Sorensen stated that he left that wording in the proposed ordinance so the Board or the County Attorney could decide on it.

Mr. Palin stated that if they want the businesses to be a help to the Sheriff’s Department, he did not think they should be burdened with extra work or expense.

Mr. Sorensen stated that he agreed. He stated that he thought the ordinance would also be a benefit to the citizens of the County as well.

Mr. Lee stated that his concern was the extra record keeping for the small business owner.

Mr. Sorensen stated that he had recently asked a business owner who buys and sells items of this nature and they said that the record keeping he does only takes approximately two minutes per transaction.

Mr. Beauchamp referenced a portion of the ordinance that stated “Before a permit may be issued, the dealer must have all weighing devices, used in his business, inspected and approved by local or state weights and measures officials

and present written evidence of such approval to the Sheriff” and asked if the business wouldn’t already comply with the weights and measurements requirements.

Mr. Sorensen replied that he did not know. He stated that he thought that portion could be stricken, because it was not necessary.

Mr. Jenkins stated that he thought that portion should be stricken.

Mr. Lee referred to the ordinance portion which states, “If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the Sheriff of all closings and reopenings of such business” and asked about the necessity of that statement.

Mr. Sorensen replied that portion could be stricken as well, in his opinion. He stated that the most important information for his department is to find out what is being sold and who is selling it.

Mr. Lee stated that some revisions will need to be made to the proposed ordinance.

Mr. Pleva stated that, because of advertising deadlines, the December meeting would probably be the best time to hold the public hearing.

Mr. Bellows asked if Mr. Sorensen knew how many businesses in the County may be affected by the proposed ordinance.

Mr. Sorensen replied that he could think of four or five.

Mr. Jenkins stated that some local dealers get their merchandise from companies out of this jurisdiction who handle estate sales.

Mr. Sorensen stated that he thought the ordinance included some language excluding estate sales from the requirements.

Mr. Bellows asked about weekend sales that have been conducted at the hotel in Kilmarnock.

Mr. Sorensen replied that he thought the town had an ordinance in place concerning those sales.

Mr. Lee stated that he thought they needed more information on those weekend sales events.

Mr. Lee stated that a public hearing can be set for December after some more information has been received and revisions made to the proposed ordinance.

Mr. Bellows made a motion to set the Public Hearing for the Proposed Precious Metals Ordinance for Monday, December 12, 2016 at 7:00 p.m.

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

BOARD REPORTS

Mr. Palin made a motion to appoint Ronald T. Davenport to the Lancaster County Economic Development Authority for a four-year term.

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

COUNTY ADMINISTRATOR

None.

CLOSED MEETING

Motion was made by Mr. Bellows to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Legal Matters, § 2.2-3711.A.7, and Personnel Matters, § 2.2-3711.A.1 of the Code of Virginia, 1950, *as amended*. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.7 (for briefings by staff members pertaining to actual litigation regarding the enforcement of county building and zoning codes where such briefings in open meeting would adversely affect the negotiating or litigating posture of the public body) and § 2.2-3711.A.1 (for the discussion and consideration of the employment of a specific employee of the public body.)

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

RECONVENE

Motion was made by Mr. Palin to reconvene the open meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on October 28, 2016 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Legal Matters, § 2.2-3711.A.7 and Personnel Matters, § 2.2-3711.A.1 of the Virginia Freedom of Information Act;

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Palin to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Lee called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

No action taken on the closed meeting matters.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

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