

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 29, 2009.

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

Dr. Russell called the meeting to order at 7:00 p.m.

PUBLIC INPUT

Richard Pleasants, 1615 Bewdley Road in District 1, stated he is running for the Board of Supervisors as District 1 representative and has run his campaign cleanly based on the facts and only the facts. He does not appreciate personal attacks on his family.

PRESENTATIONS

1. Commend Paramedic Kevin D. Mounts – Chief Hudson said he wanted to recognize Kevin Mounts on his recent achievement. He stated Mr. Mounts joined the Lancaster County Department of Emergency Services on August 1, 2008 as an EMT Intermediate Advanced License Core Provider and very quickly demonstrated leadership qualities and was promoted to EMS Lieutenant. In July 2009 he successfully passed his certification test for National Registered Emergency Medical Technician – Paramedic which is the highest level in pre-hospital advance life support care. Mr. Mounts took the intermediate to

paramedic bridge program that totaled approximately 268 hours of instruction, 136 hours of clinical rotation and 100 hours of compromises base skills. Chief Scott stated Mr. Mounts has dedicated himself to assisting others in their time of need and a true asset to the Department of Emergency Services, the county and to the citizens we serve.

Mr. Jenkins made a motion to adopt the Resolution commending Kevin D. Mounts on successfully obtaining the National Registered Emergency Medical Technical – Paramedic.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION

VSH 3/Mary Ball Road and VSH 604/605

Mr. Trapani stated VDOT has been monitoring the intersection of VSH 3/Mary Ball Road and VSH 604/605 where there have been a number of accidents. They will be erecting some new signage warning of the congested area.

Dr. Russell asked about the signage and if this has been prompted because of the number of accidents involving high school students.

Mr. Trapani said yes there have been a number of accidents at the location.

Mr. Pennell said the county has all the rights of way and if the funding was available there would be four lanes which would eliminate this problem. But unfortunately there is no funding available.

Mr. Palin asked if a left turn lane could be placed there.

Mr. Trapani said he has made a similar request and the Northern Neck Planning District Commission has added that to the study.

VSH 791/Moran Creek Road Speed Study

Mr. Tapani said they received the speed study request for VSH 791/Moran Creek Road, however; the study has not been completed.

County Maintenance

Mr. Tapani stated there is ongoing regular maintenance such as paving and patching throughout the county.

Merry Point Ferry Update

Mr. Trapani said the Merry Point Ferry is currently out of service with a blown engine and major problems with the outdrive. The contract completion date for the new ferry is near and the boat is scheduled for delivery by December 1, 2009. He stated that Lancaster County's new ferry will be the first to be delivered and has been painted. Because it would cost approximately \$30,000 to repair the old ferry, VDOT has decided to wait for the delivery of the new ferry.

Mr. Jenkins asked who was keeping track on the progress and delivery of the new ferry.

Mr. Trapani said he personally has been checking on the progress of the ferry.

PUBLIC HEARING

1. Application for Special Exception – Susan C. Massey – Mr. Gill presented an application for special exception by Susan C. Massey to place an 80 foot data antenna/pole for wireless Internet access on a 24.32-acre parcel described as Tax Map #35-127. This property is zoned R-1, Residential General and is located at 553 Clark Point Drive in the Little Bay area in District 3.

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 the only issue with this antenna/pole is its proposed location just inside the 100' Resource Protection Area (RPA). The "Exemptions" Section 7-1(b)(1) of the Chesapeake Bay Preservation Act states that "to the degree possible the location of such utilities and facilities should be outside RPA's." This parcel is 24.32 acres, so locating the pole outside the 100' RPA is a reasonable request. It has the potential to serve many homes in the Little Bay area.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, staff has received two calls from the public. He said one person simply requested information and the other person is in opposition to the location of the pole.

Chairman Russell opened the public hearing.

Tom Foulkes said 32 homes will receive service once this pole is installed and he has tried to place it in the natural break in the tree line.

Sean J. Gallagher stated he is in opposition because where the pole is located he can stand on his back deck and see this pole. He said he did not spend a million dollars on a home to walk out on his deck with a view of an 80' pole. He said Ms. Massey has 24 acres of land and he would like to see the pole moved 25' out of his line of sight.

Mr. Foulkes stated he would be willing to work with Mr. Gallagher to get it out of his line of site.

Mr. Gill said he has been to both Ms. Massey and Mr. Gallagher's property and suggested relocation. He spoke to Mr. Gallagher who stated if the pole is moved back out of the RPA to 25' – 30' this would satisfy both parties.

Chairman Russell closed the public hearing.

Mr. Geilich made a motion to approve the Application for Special Exception by Susan C. Massey to place an 80 foot data antenna/pole for wireless Internet access on a 24.32-acre parcel described as Tax Map #35-127 as long as it is placed outside the 100' RPA.

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

2. Application for Change of Zoning District Classification – James K. and Cherri D. Seldon – Mr. Gill presented an Application for Change of Zoning District

Classification from A-2, Agricultural, General to R-1, Residential, General by James K. and Cherri D. Seldon for a 0.84-acre parcel described as Tax Map #9-24B. This property is located at 190 Twin Branch Road off VSH 615 (Beanes Road) near Browns Store in District 2.

Mr. Gill said this parcel is located in a residential area that happens to be zoned agricultural. The attached GIS map shows that there are several small parcels (with homes) along VSH 685 (Twin Branch Road) and VSH 615 (Beanes Road). Similar areas in the county are zoned R-1, however this area is in the upper end of the county where A-2 is the predominant zone and therefore is zoned A-2. The map also shows that there are some R-1 properties nearby on VSH 615 (Beanes Road).

Mr. Gill stated the applicants are of modest means. They have a daughter who is a new mother of twins. They have outgrown their home on this parcel and wish to subdivide their property to enable them to place an individual manufactured home on a new lot for their daughter and her new family. They cannot do this under the current zoning of A-2, as there is not enough land to create two lots that meet the minimum lot size requirement of 33,000 square feet. The only way of accomplishing their goal is to rezone to R-1 to take advantage of the smaller lot size requirement of 20,000 square feet with a central water supply to service both of the lots.

Mr. Gill said a successful rezoning does not in itself solve their problem. They will need to locate primary and reserve septic sites on the new lot. They will also need to provide a boundary line adjustment plat with the adjoining parcel 9-24C (previously subdivided from the applicant's parcel) to add 0.07 acres to their parcel. This will give the applicants the required acreage for two 20,000 square feet lots and leave enough acreage on parcel 9-24C to keep it conforming. There is no margin for error in this process. These additional steps will cost additional money and it would not be prudent for the applicants to expend that

money if this first step of rezoning is not approved. The applicants understand that there is no guarantee of approval even though they have paid the required rezoning fee of \$500.

Mr. Gill stated at the Planning Commission public hearing on September 17, 2009, Ms. Seldon offered a written proffer that this conditional rezoning be contingent upon 1) the location of primary and reserve septic sites on the proposed new lot, and 2) provision of a satisfactory boundary line adjustment plat adding the required 0.07 acres to their parcel. The Planning Commission voted to forward this request to the Board of Supervisors recommending approval. He provided the Board of Supervisors with a written proffer and the applicable Planning Commission meeting minutes.

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

Chairman Russell opened the public hearing.

Hearing none, Chairman Russell closed the public hearing.

Mr. Jenkins supported this and suggested that the Planning Commission look at a mass rezoning from A-2, Agricultural, General to R-1, Residential in the upper end of the county where A-2 is the predominant zone.

Mr. Pennell said he wanted to commend Joe Curry for all his help in this and a number of other difficult situations.

Mr. Palin made a motion to approve the Application for Change of Zoning District Classification from A-2, Agricultural, General to R-1, Residential, General by James K. and Cherri D. Seldon for a 0.84-acre parcel described as Tax Map #9-24B located at 190 Twin Branch Road off VSH 615 (Beanes Road) as proffered.

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

CONSENSUS DOCKET

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

A. Minutes for October 20, 2009

Recommendation: Approve minutes as submitted.

B. Indoor Plumbing/Rehabilitation Loan Program

Recommendation: Approve the 2010 Management Plan and authorize the county administrator to execute the contract on behalf of the Board of Supervisors

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of October 2009 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the salaries for October 2009 in the amount of \$215,194.93 and Invoice Listings for October 2009 in the amount of \$549,427.57.

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

2. Judicial Center – Special Inspections – Mr. Pennell stated as part of the construction process for the new judicial center, a series of special inspections are required. These inspections must be performed by a Professional Engineer licensed in Virginia. The county has previously issued a Request for Proposals for an engineer/firm to conduct these inspections.

Mr. Pennell said in response to the Request for Proposals for special inspections, the county received to following preliminary bids:

Zannino Engineering	\$11,800
CTI Consultants, Inc.	\$16,953
Draper Aden Associates	\$19,900
Froehling & Robertson, Inc.	\$24,319
ESC Mid-Atlantic LLC	\$37,250
Schnabel Engineering	\$96,400

Mr. Pennell stated following the receipt of these preliminary proposals, he asked the professionals at Wiley and Wilson, Architects, to review the three least costly proposals and provide the county with their opinion of the ability of each to perform the inspections. Following Wiley and Wilson’s review, the following amendments were made to the proposals of three bidders.

Zannino Engineering	\$13,960
CTI Consultants, Inc.	\$15,012
Draper Aden Associates	\$19,900

Mr. Pennell indicated Mr. Dave Roberts at Wiley and Wilson conducted the review and said Zannino Engineering will be able to perform the inspections at the least costly amount.

Mr. Beauchamp made a motion to approve a contract with Zannino Engineering, Incorporated, 9915 Greenwood Road, Glen Allen, VA 23060 with a “not to exceed” cost of \$13,960 and authorize the county administrator to execute this contract on behalf of the Lancaster County Board of Supervisors.

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

3. Funding Realignment – Mr. Larson asked the Board of Supervisors for approval of a request for realignment of funds by the Treasurer from the last half of the fiscal year to the current quarter. The funds for her part-time positions are needed during tax collection season and she is requesting that funds be moved to the second quarter.

Mr. Larson said, given the current funding requirements in the areas highlighted by Mrs. Haynie in her memorandum provided to the board, the request is appropriate. The Treasurer is concerned that she will exceed her second quarter appropriation if funds are not realigned from the third and fourth quarters to the second quarter. Her annual FY 2010 appropriation will remain unchanged at \$265,086, but her current amount appropriated through the second quarter would go from \$128,548 to \$141,148. This is not a request for a supplemental appropriation. This is good financial management and recommended that the Board of Supervisors approve the request made by the Treasurer.

Mr. Palin made a motion to approve the request for realignment of funds made by the Lancaster County Treasurer.

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

BOARD REPORTS

Industrial Development Authority

Mr. Jenkins made a motion to reappoint Weston Conley to the Industrial Development Authority to represent Lancaster County as an At-Large for a four year term which began November 10, 2009 and ends November 11, 2013.

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

Area Agency on Aging

Mr. Palin made a motion to reappoint Joseph Curry to the Board of Directors of Bay Aging as Lancaster County's representative for a three-year term beginning October 1, 2009 and ending on September 30, 2012.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye

Peter N. Geilich	Aye
B. Wally Beauchamp	Aye
F. W. Jenkins, Jr.	Aye

Northern Neck-Middle Peninsula Community Services Board

Mr. Geilich made a motion to reappoint Mr. James W. Philbrick to serve as Lancaster County’s representative to the Middle-Peninsula Northern Neck Community Services Board of Directors for his second 3 year term to expire December 31, 2012.

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

COUNTY ADMINISTRATOR

Mr. Pennell stated the county received information from Nice Builders that they are prepared to start performing work where the Old Pierce House is located. Mr. Failmezger has been contacted and he can move the house within the next 60 days. He said needs to determine what will be done with the two Housing Department staff members, Scott Hudson, Chief of Emergency Services, and Sonny Whaley, Solid Waste Supervisor. There are two options; 1) move the offices to the office adjacent to the Circuit Court Judge which would be able to accommodate the two housing staff members and 2) lease a portion of the White Stone Town Hall which has an office available to accommodate Scott Hudson and Sonny Whaley at a cost of \$500.00 per month plus one-third of the utilities. He stated another opportunity was just presented and that is the Blakemore Building next to the courthouse which is available and would accommodate all four staff members for \$400.00 per month ± plus utilities.

Mr. Jenkins asked the County Administrator to check with the Upper Lancaster Fire Department to use the old fire house.

Mr. Jenkins made a motion to authorize the County Administrator to secure office space and not to exceed \$400.00 plus utilities.

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

Mr. Pennell stated the Partners for Schools Project is going well and Mr. Warren has provided board members with information regarding their progress.

ADJOURNMENT

Motion was made by Dr. Russell to adjourn to the meeting.

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