

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Monday, December 21, 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**

None

**PRESENTATIONS**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

None

**PUBLIC HEARING**

1. Amend Article 9 of the Zoning Ordinance to revise the permitted uses and statement of intent in the M-1, Industrial Limited District – Mr. Gill presented

Amendments to Article 9 of the Zoning Ordinance to revise the permitted uses and statement of intent in the M-1, Industrial Limited District. Proposed changes, which are in the form of deletions and modifications to permitted uses and the statement of intent, are intended to make permitted uses more consistent with the spirit and intent of this zoning district.

Mr. Gill stated the Comprehensive Plan requires the Planning Commission to review the permitted uses in each zoning district to verify that the permitted uses are compatible with the intent of each zoning district. The discussion at previous months' Planning Commission meetings recommended a few changes to the M-1, Industrial Limited District. Applicable Planning Commission meeting minutes are attached.

Mr. Gill said the Planning Commission also studied the exact locations of the 88 M-1 parcels in Lancaster County. The M-1 parcels are sparsely located in the Lively and White Stone areas, and located in dense pockets in the Merry Point area, the area near the intersection of Good Luck Road and Route 3, the area near Yankee Point marina, the area near the Chesapeake Boat Basin and the area near the Ampro Shipyard in Weems.

Mr. Gill stated in addition, a staff review was conducted to determine if the M-1 District confined certain reasonable uses such as "cottage industries" that could exist in residential zones, only to the M-1 District. Staff concluded that smaller, non-obtrusive and non-offensive versions of some of the permitted uses in the M-1 district can already be allowed in the residential districts via the "home occupation" and the "professional office" vehicles permitted in those residential districts.

Mr. Gill said the recommended changes include revising the statement of intent to make it less confusing, revising the outdated language in several permitted uses and creating a "catch-all" permitted use with a special exception to

include types of manufacturing or similar activities not specifically mentioned. The revised M-1 ordinance was provided for the Board of Supervisors review.

Mr. Gill stated this issue has been advertised as required by law. To date, there has been no input from the public. The Planning Commission has forwarded the revised permitted uses and statement of intent in the M-1, Industrial Limited District to the Board of Supervisors recommending approval.

Chairman Russell opened the public hearing.

Hearing none, Chairman Russell closed the public hearing.

Mr. Geilich made a motion to approve the Amendments to Article 9 of the Zoning Ordinance to revise the permitted uses and statement of intent in the M-1, Industrial Limited District.

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

- Application for Change of Zoning District Classification – Mary Nivin Blundon Stover (owner) and Turner and Associates Realty, Inc. (proposed buyer) – Mr. Gill presented an Application for Change of Zoning District Classification from A-2, Agricultural, General to C-1, Commercial by Mary Nivin Blundon Stover (owner) and Turner and Associates Realty, Inc. (proposed buyer) for a 0.76-acre parcel described as a portion of Tax Map #14-40. This parcel is located in the village of Lively, off VSH 3 (Mary Ball Road), behind the Horsley Real Estate Office in District 1.

Mr. Gill said the proposed buyer, Turner and Associates Realty, wishes to locate a Dollar General Store within the village of Lively and has contracted to purchase the Horsley Real Estate office property (Tax Map 14A-3-1 zoned C-1 Commercial). However, there is not enough acreage on the Horsley parcel to accommodate the Dollar General Store and Turner approached Ms. Stover about buying additional land from her adjacent parcel (Tax Map 14-40 zoned A-2 Agricultural General) to merge with the Horsley property to create a parcel large enough to accommodate the Dollar General Store.

Mr. Gill stated an agreement has been reached and a 0.76-acre parcel has been subdivided from Ms. Stover's larger parcel (Tax Map 14-40). The attached GIS map shows the larger parcel with a dashed boundary depicting the location of the 0.76-acre subdivided parcel. The problem is that the 0.76-acre parcel is zoned A-2 and the Horsley property (Tax Map 14A-3-1) is zoned C-1 Commercial. Two parcels with different zoning categories cannot be merged, as it would create a single non-conforming parcel with split zoning. As a result, Ms. Stover and Turner seek to rezone the 0.76-acre parcel to C-1 Commercial so that it will have the same zoning as the Horsley property. The two parcels could then be merged to create a parcel large enough for the Dollar General Store.

Mr. Gill said a surveyed plat of the properties is attached. It identifies the Horsley property (zoned C-1) as Parcel A and Ms. Stover's subdivided 0.76-acres (zoned A-2) as Parcel B. A preliminary site plan follows with the footprint of the Dollar General Store and its parking lot superimposed over the two parcels. Front, side and rear elevation views are also included showing the proposed Dollar General Store with a brick front and matching finished metal sides and rear. A detailed final site plan which conforms to Article 22 of the Zoning Ordinance will be required should the rezoning be approved.

Mr. Gill stated he views this rezoning request as reasonable and appropriate. The 0.76-acre parcel proposed for rezoning is located within the

Village of Lively and is adjacent to many C-1 properties. It is also part of the Rural Village Overlay District which allows retail sales. This rezoning will also conform to the Comprehensive Plan which encourages the revitalization of traditional village areas.

Mr. Gill stated the Planning Commission conducted its public hearing on this rezoning at its meeting on November 19, 2009. There was no opposition and the Planning Commission forwarded this rezoning application to the Board of Supervisors recommending approval by a vote of 6-0. The draft meeting minutes from the November 19, 2009 Planning Commission meeting was provided to the board for their review.

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 no comment, Chairman Russell closed the public hearing.

Mr. Beauchamp asked if there was enough property behind the building for a drainfield and sewage system if needed.

Mr. Gill said that would be a part of conformance required by Article 22.

Mr. Jenkins made a motion to approve the Application for Change of Zoning District Classification by Mary Nivin Blundon Stover (owner) and Turner and Associates Realty, Inc. (proposed buyer).

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. Beauchamp to approve the Consensus Docket and recommendations as follows:

A. Minutes for November 30, 2009 and December 2, 2009

Recommendation: Approve minutes as submitted

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 December 2009 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the salaries for December 2009 in the amount of \$224,014.95 and Invoice Listings for December 2009 in the amount of \$663,895.82.

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

2. Third Quarter, FY 2009 – 2010 Appropriation – Mr. Larson presented the Board of Supervisors with the third quarter appropriation in the amount of \$6,626,447 for County and School Board operations for approval.

Mr. Larson said with the limited exceptions detailed below, budget execution for the first half of this fiscal year was within assigned limits and anticipated requirements. The Board of Supervisors is therefore being asked to approve one-fourth of the total annual approved budget for the third quarter with the following exceptions that are bold typed and italicized on the spreadsheet provided to the board members.

- 1) County Administration – Requested third quarter appropriation is greater than one fourth annual budget due to salary for Judicial Center resident project manager and other minor adjustments. No new spending authority required since salary money will be transferred from funds available for Judicial Center construction, and adjustments reflect movement of fourth quarter authority into third quarter;
- 2) Sheriff (Law Enforcement) – Funding authority moved from fourth quarter to third quarter to fund purchase of two cars;
- 3) Local Emergency Services - Appropriates funds from July 12 storm-damage clean up (\$45,000) already expended. No new funding authority required – funds realigned from Comprehensive Services;
- 4) Sheriff (Corrections) – Appropriates funds for unplanned prisoner medical expenses (\$40,000) already expended. No new funding authority required – funds realigned from Comprehensive Services;
- 5) General Properties – Appropriates funds for General Liability Insurance (Annual premium already expended). No new funding authority required – authority realigned from fourth quarter;
- 6) Comprehensive Services – Authority reduced \$85,000 below normal quarterly appropriation due to low expenditure rate in first half of fiscal year;

- 7) Resource Conservation and Development – Appropriates remainder of planned annual contribution already made. No new funding authority required – additional authority moved from fourth quarter.

Mr. Beauchamp made a motion to Approve the FY 2009 – 2010 Appropriation for the Third Quarter (January 1, 2010 – March 31, 2010) in the amount of \$6,626,447 for County and School Board operations.

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

3. Award of Contract for Communications Center Furniture – Mr. Larson presented a request for approval to award a contract to Wright Line LLC for purchase of furniture for the Communication Center in the Lancaster County Sheriff’s Department.

Mr. Pennell said the subject contract was advertised and competitively bid as required by law. Wright Line LLC was the lowest cost and most responsive of the three bidders who responded to the Invitation for Bid. The contract award amount of \$19,729.27 represents part of the \$173,100 approved for a communications center upgrade in the FY 2010 capital improvement budget.

Mr. Jenkins made a motion to Approve the Award of Contract for Communications Center Furniture to Wright Line LLC in the amount of \$19,729.27.

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**

Mr. Geilich informed the board of the passing of Jim McCaig husband of Dixie McCaig who serves on the Lancaster County Historical Resources Commission.

**COUNTY ADMINISTRATOR**

Mr. Pennell stated he received a Christmas card from David Nice Builders and informed the county staff and Board of Supervisors that as of November 1, 2009 they have opened an office in Los Angeles, CA.

Mr. Pennell said the Governor has granted one extra day off for state employees which will be Thursday, December 31, 2009 and because the county follows what the state does we will be closed both Thursday, December 31, 2009 and January 1, 2010.

**ADJOURNMENT**

Motion was made by Mr. Geilich at 8:00 p.m. to adjourn the meeting to the 2010 Organizational Meeting.

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