

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, December 28, 2006.

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

Others

Present: Sean Trapani, Virginia Department of Transportation; 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**

1. Resolution Honoring Dr. David B. Nichols as Country Doctor of the Year - Mr. Pennell stated that the December 5, 2006 edition of the *Richmond Times – Dispatch* contains an article by Lawrence Latane which describes Dr. David B. Nichols' recent *Country Doctor of the Year* award by Staff Care of Irving,

Texas. Mr. Pennell asked the Board to adopt the said resolution and present a framed copy to Dr. Nichols.

**DR. DAVID B. NICHOLS**  
**COUNTRY DOCTOR OF THE YEAR**

**WHEREAS**, citizens of Lancaster County, Virginia are fortunate to have the professional services of Dr. David B. Nichols at his principle office in White Stone, Virginia; and

**WHEREAS**, citizens of Tangier Island, Virginia, located in Virginia's Chesapeake Bay are similarly fortunate to have the services of Dr. David B. Nichols; and

**WHEREAS**, in order to accommodate the needs of the citizens of Tangier Island, Virginia, Dr. David B. Nichols has been flying his own airplane and/or helicopter to that island to see patients for the past twenty-seven years; and

**WHEREAS**, recently, Staff Care of Irving, Texas, the nations largest temporary physician-staffing firm, awarded Dr. David B. Nichols the esteemed *Country Doctor of the Year* award; and

**WHEREAS**, Dr. David B. Nichols now takes his place among the many well-respected physicians who have received this award in the past.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors recognizes Dr. David B. Nichols for his service to the citizens of the Commonwealth of Virginia, especially those in Lancaster County and on Tangier Island; and

**BE IT FURTHER RESOLVED**, the Lancaster County Board of Supervisors offers its heartfelt gratitude for Dr. David B. Nichols' many years of service to his patients.

Mr. Beauchamp made a motion to adapt the resolution honoring Dr. David B. Nichols for Country Doctor of the Year.

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

2. Land Use Taxation for Forested Lands - Mr. W. D. Edwards stated that he is a forestry landowner in Lancaster County. Mr. Edwards stated that he compliments Lancaster County for having land use taxation program for farmland but he would like forestry land to also be included in this program. Mr. Edwards stated that pine trees and hardwood trees are also crop like soybeans, corn and wheat. The only difference is that it takes 50 to 100 years for trees to grow. Mr. Edwards suggested if forestry land were to be included in the land use taxation program this would encourage landowners to continuing to own forestry land instead of selling it. Mr. Edwards asked the Board of Supervisors and the Citizens of Lancaster County to consider allowing forestry land to be included in the land use taxation program.

Mr. Jenkins thanked Mr. Edwards for his input. Mr. Pennell stated the County's Comprehensive Plan is being revised at this time and this issue should be addressed in this update.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Trapani stated that it is time to schedule a work session and public hearing for the Six Year Plan. He suggested a work session for January and a public hearing in February. He also stated that he would have the new budget figures for the secondary six-year plan at the work session in January.

Mr. Beauchamp asked Mr. Trapani if the traffic studies were completed for the intersection of Harris Road and Irvington Road.

Mr. Trapani stated not yet.

Mr. Russell asked if the Planning Commission and VDOT communicate during the comprehensive plan update process.

Mr. Larson stated they do and, effective July 2007, VDOT has to sign off on the County's Comprehensive Plan.

## **PUBLIC HEARINGS**

1. Application for Special Exception-Henry S. Cathey, Jr. and Margaret P. Cathey-  
Mr. Larson presented an application for Special Exception by Henry S. and Margaret P. Cathey to place a data antenna on property described as Tax Map #26D-1-5. This property is on VSH 697, Smith Lane, near Millenbeck, Virginia and is in Voting District 1. Staff recommends approval. This is a continuation of requests to locate 80' data antennae at locations within the County to improve levels of service. This involves a thin antenna extended above a standard utility pole that is not considered visually obtrusive. The service area that will be provided by this antenna does not overlap existing or previously approved locations for these antennae. Adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this application.

Chairman Jenkins opened the public hearing.

Hearing no public comments, Chairman Jenkins closed the public hearing.

Mr. Jenkins stated his concerns about various tower be erected in the same area for different companies. He stated that the County should look into the possibility of cost sharing or rental space for future Internet towers to avoid several antennas in a general area.

Mr. Tom Foulkes, owner of GGC Web Design, stated that his company is in partnership with Northern Neck Wireless and Rivernet. Mr. Foulkes stated that his company would support joint towers.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Henry S. and Margaret P. Cathey to place a data antenna on property described as Tax Map #26D-1-5. This property is on VSH 697, Smith Lane, near Millenbeck, Virginia and is in Voting District 1.

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 Special Exception – The Foot Center, Incorporated – Mr. Larson presented an application for Special Exception by The Foot Center, Incorporated to have a professional office on property described as Tax Map #28B-1-1/2. This property is on VSH 200, Irvington Road, near Kilmarnock, Virginia and is in Voting District 4. Staff recommends approval. The applicant is

requesting a special exception to place a professional office on the subject property zoned R-1, Residential, General. The office would house a medical (podiatry) practice and a hearing aid specialist. As set forth in supplemental documentation, the office would be open three days a week, two for the podiatry practice and one for the hearing aid specialist. This property is at the intersection of VSH 200, Irvington Road, and VSH 222, Weems Road, which has a long-unused building that is nonresidential in nature. Applicants state that they would demolish this existing structure and replace it with a new structure. Sufficient parking would be required as a condition of obtaining a zoning permit for the new structure. If applicants revise their plans to use the existing structure, then current parking area is considered more than adequate. Adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this application.

Chairman Jenkins opened the public hearing.

Mrs. Cathy Crockett, representative for The Foot Center, Inc., stated Dr. Noel Patel and Dr. William Eng have been in business since 1985. They currently have an office on Irvington Road in the Gravitt Medical Center. That facility has been sold and they are now forced to find another location. Because they do not want to abandon their patients in the Northern Neck area, it is their wish and business plan to relocate their office to 720 Irvington Road. All of the existing structures will be removed and a new two story Cape Cod will be constructed. Currently they share an office with The Hearing Aid Center, which is open one day a week, they hope to continue that office sharing arrangement. Therefore, their office will be open three days a week with hours from 9-5.

Hearing no more public comments, Chairman Jenkins closed the public hearing.

Mr. Palin stated that he would approve this special exception and expanding the operational days from 2 to 5 days per week.

Mr. Palin made a motion to Approve the Application for Special Exception by The Foot Center, Incorporated to have a professional office on property described as Tax Map #28B-1-1/2 for 5 days per week.

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

3. Request for Bay Act Formal Exception- John R. Shoemaker- Mr. Larson presented an application for Bay Act Formal Exception by Alistair J. Ramsey, agent for James R. Shoemaker, to encroach eighteen feet into the 100' protective buffer to construct a single family residence on property described as Tax Map #5-43N. This property is off Sycamore Lane in the Edgewater subdivision near Morattico, Virginia and is in Voting District 1. Staff does not recommend approval. The Lancaster County Chesapeake Preservation Ordinance as adopted June 1, 2005 sets as a baseline for encroachment "the minimum necessary to achieve a reasonable building site." To implement this requirement a reasonable building footprint of 2000 square feet was established and has been consistently followed. We have also consistently taken the position that a case for encroachment could not be made if any footprint in excess of 2000 square feet included deck or porch since this type of construction is more discretionary than necessary. As documented in the attached correspondence to CBLAD of November 17, 2006, Mr. Larson believes that Mr. Shoemaker's plan of development goes beyond that which is reasonable for this parcel. His position is supported by CBLAD as

documented in their correspondence December 1, 2006. Had he believed the request to be reasonable, hw would have reviewed it administratively rather than requiring that it be submitted to the Board of Supervisors. This is the first case since the regulations changed in June 2005 in which he has not been able to reach agreement with the applicant as to reasonableness. Adjoining property owners have been notified and advertising as required by law has been conducted. Mr. Larson stated that he received one email opposing this request.

Mr. Larson stated that he received an email from Mr. Ramsay requesting to postpone this request until he can work with Mr. Larson some more, but since the public hearing has been advertised, it must take place.

Chairman Jenkins opened the public hearing.

Mr. Costello stated that he supports Mr. Larson's decision.

Mr. Bill Warren stated he is concerned that some property owners might not be able to build in some situations and they should be given some lead way.

Hearing no more public comment, Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to continue consideration on the Application for Bay Act Formal Exception request by James R. Shoemaker until the February regular monthly board meeting.

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



Ernest W. Palin, Jr.                      Aye

**CONSENSUS DOCKET**

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

A. Minutes for November 30, 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 December 2006 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for December 2006 in the amount of \$178,737.22 and Invoice Listings for December in the amount of \$552,770.71.

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

Ernest W. Palin, Jr. Aye

2. Deed of Gift – Taylor Creek Park - Mr. Larson stated that New Tides, LLC is offering a deed of gift of a portion of Tax Map #27-104 with conditions for public use for acceptance by the Board of Supervisors. The subject property is off VSH 222, Weems Road, and is in Voting District 5. Staff recommends that the deed of transfer and conditions for public use of the subject land be accepted.

Mr. Larson stated that Mr. George Lidicker, managing member of The New Tides LLC, is here to present Lancaster County Supervisors the Deed of Gift for Taylor Creek Park.

Mr. Beauchamp made a motion to Accept the Deed of Gift for Taylor Creek Park.

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

3. Rappahannock Regional Fire Training Center Agreement - Mr. Pennell stated that an agreement was developed by the Northumberland County Attorney to provide for management control of the Burn Building being completed in Wicomico Church. Mr. Pennell requested the Board to approve the agreement and authorize the Chairman to execute the agreement for Lancaster County. Because the Burn Building is located in Northumberland County, the lease and other management documents are being initiated in that County. The endeavor to complete the burn building is one that the four Northern Neck Counties have been pursuing for the past couple of years. Work is underway to resume the construction and guidelines

are needed for the management of the training facility. This agreement will identify roles in that management.

Mr. Palin made a motion to Approve the Agreement and Authorize the Chairman to execute the agreement for Lancaster County

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

4. Soil and Water Conservation District-Budget Request - Mr. Pennell stated at the November 30, 2006, regular meeting of the Lancaster County Board of Supervisors, Mr. Craig Brann and Mr. Derwin Booker made a presentation to describe the activities of the Northern Neck Soil and Water Conservation District over the past several months. At that presentation, the District's representatives asked the Board of Supervisors to consider a supplemental appropriation to the FY06 county budget in the amount of \$ 2,500 to fully fund the District to last year's level.

Mr. Russell made a motion to Approve the Request for Supplemental Appropriation the FY07 County Budget in the amount of \$ 2,500 to fully fund the District to last year's level.

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

**BOARD REPORTS**

None.

**COUNTY ADMINISTRATOR REPORT**

Mr. Pennell stated that the 2007 Essex County Legislative Dinner at Lowery Seafood Restaurant will be on January 4, 2007 at 6:00 p.m.

The ROTC program at the High School would like to bring in colors at the next meeting.

Mr. Pennell told the supervisors that school superintendent Dr. Randolph Latimore did not deliver requested information about the division’s expenditures for the first half of fiscal year 2007 (July 1 to December 31, 2006). Mr. Pennell asked the supervisors to endorse his decision as county administrator to follow section 15.2-1541.1 of the Code of Virginia, which states that a county administrator “shall maintain a centralized system of accounting for the county, including the county school board.”

Mr. Beauchamp made a motion to direct the county administrator to establish a centralized system of accounting for the county, social services and the school board in accordance with section 15.2-1541.1 of the Code of Virginia.

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

January 22, 2007 at 4:00 pm. will be a work session for the Board of Supervisors at the School Board Office.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn until 4:00 p.m., Monday, January 22, 2007 in the School Board Office on Irvington Road to conduct a joint work session with the School Board.

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