

**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, December 29, 2011.

- Members Present:    B. Wally Beauchamp, Chair  
                              F.W. Jenkins, Jr., Vice Chair  
                              Ernest W. Palin, Jr., Board Member  
                              Peter N. Geilich, Board Member  
                              Jack S. Russell, 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**

Charles Costello said he wanted to thank Mr. Geilich for his eight years of service as District 3 representative on Board of Supervisors. He stated it was good to have someone who is dedicated and cares about what happens in this county.

**PRESENTATION**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**County Road Maintenance and Signs**

Mr. Harper stated they are getting ready for the snow. They have 24 snow plows, two additional chemical spreaders, and 1500 pounds of salt stored at headquarters if needed.

Mr. Harpers said they have received all the comments back on the Kilmarnock Truck Bypass, but no decision will be made until January 2012.

Mr. Harper stated the shoulder widening on VSH 200 between the Town of Kilmarnock and Town of Irvington has been completed. They have identified the location for the “Share the Road” signs and the signs should be erected soon.

Mr. Harper said the curve signs have been erected on VSH 611/West Point Road.

Mr. Harper stated they have received positive comments on the arrows indicating lane merge signs between CVS and Peebles.

Mr. Harper said they have installed 45 mph signs on each side of VSH 614/Devils Bottom Road on VSH 3/Mary Ball Road hoping to slow traffic down for school buses entering and exiting from Devils Bottom Road.

Mr. Harper said they are reviewing Pittman’s Corner at VSH 200/Christ Church Road. The stop sign at that intersection has been replaced 26 times in one year. They are placing a “stop ahead” sign further back as a warning, have increased the size of the stop sign, and added reflectors.

Dr. Russell stated the sign at CVS blocks the view of oncoming traffic on James Jones Memorial Highway bypass. He asked Mr. Harper to take a look at the sign.

Mr. Geilich asked about his request for the “Share the Road” signs for VSH 695/Windmill Point Road.

Mr. Harper said that a decision on that request is pending.

**PUBLIC HEARING**

1. Proposed Change in the location of the Office of the Registrar and Local Electoral Board and the Central Absentee Voting District Polling Place – Mr. Pleva said the proposed relocation of the Offices of the Registrar and Local Electoral Board and the Polling Place of the Central Absentee Voting District from their current location at 8694 Mary Ball Road, Lancaster, Virginia 22503 to the first floor of the County Administration Building at 8311 Mary Ball Road, Lancaster, Virginia 22503. The relocation of these offices and polling place were contemplated when the county administration offices were relocated from the first floor to the second floor of the County Administration Building (historic courthouse).

Mr. Pleva said the Board of Supervisors will conduct a public hearing to receive comments and to consider the proposed relocation of the Offices of the Registrar and Local Electoral Board and the Polling Place of the Central Absentee Voting District as well as a proposed amendment to Section 22.2(f)2 of the Lancaster County Code that pertains to the proposed relocation of the Central Absentee Voting District Polling Place.

Mr. Pleva stated the new offices location will provide more space, enhanced accessibility for the disabled and greater off-street parking for these offices and the polling place. The proposed changes will not affect existing election district or voting precinct boundaries or polling place locations, except for the polling place location of the Central Absentee Voting District.

Mr. Pleva said some of the modifications to existing offices, such as painting and computer wiring, were largely performed by county general services and public works staff. Direct out-of-pocket costs, which total approximately \$1,500, include contractor-paid interior modifications, a one (1)-day rental of a moving truck and employment of four (4) laborers for one (1) day. Use of existing county office space for these offices and the polling place will save the county \$3,600 in annual rental payments. Therefore, the “payback period” for the relocation costs, including office space modifications and moving, will be about five (5) months.

Mr. Pleva stated following the public hearing, the Board of Supervisors should formally approve the relocation of the offices and polling precinct, adopt the aforementioned Lancaster County Code amendment and direct the County Administrator to submit the amended county code section and all other required documents to the appropriate state and federal election oversight agencies.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to Approve proposed relocation of the Offices of the Registrar and Local Electoral Board and the Polling Place of the Central Absentee Voting District from their current location at 8694 Mary Ball Road, Lancaster, Virginia 22503 to the first floor of the County Administration Building at 8311 Mary Ball Road, Lancaster, Virginia 22503 and Adopt the proposed amendment to Section 22.2(f)2 of the Lancaster County Code that pertains to the proposed relocation of the Central Absentee Voting District Polling Place and direct the County Administrator to submit the amended county code section and all other required documents to the appropriate state and federal election oversight agencies.

ROLL CALL

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

2. Application for Special Exception – Michael J. and Gloria R. Engle – Mr. Gill presented an Application for Special Exception by Michael J. and Gloria R. Engle for animal and poultry husbandry on a commercial basis on a 2.339-acre parcel described as Tax Map

#25-59. This property is zoned R-1, Residential General and is located at 519 White Hall Road at the intersection of VSH 625 (White Hall Road) and VSH 689 (Courtney Road) in District 1.

Mr. Gill said Article 5-1-1 of the Zoning Ordinance requires a special exception for animal and poultry husbandry on a commercial basis in the R-1, Residential General District. The applicants wish to raise, breed and sell alpacas on this parcel. The attached narrative and sketch explains and depicts the layout for this business venture.

Mr. Gill stated the applicants state that they could have up to 30 animals at times on this parcel, but the average herd would be around 20. The herd size will be capped at 15 animals per acre as numbers exceeding 15 adult animals per acre would subject this parcel to Article 24 of the Zoning Ordinance “Intensive Agricultural Facilities” and the size limitations of this small parcel would prohibit it from conforming to the more stringent requirements of that zoning district.

Mr. Gill said this would be a by-right permitted use in the A-2, Agricultural General District and the applicants considered rezoning the parcel to A-2, but that route would involve an additional public hearing at the Planning Commission level, cost an additional \$100 over this special exception and take up to 60 days to get approval. Staff recommended that the applicants apply for the special exception instead of the rezoning alternative.

Mr. Gill stated staff views this request as reasonable and appropriate. The attached GIS map shows that there are several A-2 properties in close proximity to this parcel. A nearby A-2 parcel has also been the site of a swine farm for many years.

Mr. Gill said this issue has been advertised and adjoining property owners notified as required by law. To date, there has been one call from the public to get information.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Michael J. and Gloria R. Engle for animal and poultry husbandry on a commercial basis on a 2.339-acre parcel described as Tax Map #25-59, property is zoned R-1, Residential General and is located at 519 White Hall Road at the intersection of VSH 625 (White Hall Road) and VSH 689 (Courtney Road) in District 1.

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

3. Application for Special Exception – Lancaster Moose Lodge #2527 – Mr. Gill presented an Application for Special Exception by the Lancaster Moose Lodge # 2527 to expand/enlarge an existing authorized non-conforming structure on a 0.59-acre parcel described as Tax Map #6-3D. This property is zoned C-1, Commercial and is located at 2108 River Road at the intersection of VSH 354 (River Road) and VSH 701 (Ridgefield Farm Road) in District 2.

Mr. Gill said the main 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 stated this parcel is zoned C-1, Commercial, which requires a 40-foot setback from any right-of-way. The proposed addition cannot meet that setback from

Ridgefield Farm Road even though the proposed addition's encroachment is less than the existing structure's encroachment. As a result, the applicant was forced to seek a variance from the Board of Zoning Appeals (BZA) for the proposed setback encroachment. On December 5, 2011, the BZA granted that variance (provided the board with a copy of the BZA meeting minutes and approval letter).

Mr. Gill said the proposed 1,200 square feet addition, as shown on the attached sketch, will conform to the side yard setbacks, and with the BZA variance for the right-of-way setback, the Board of Supervisors can now grant the special exception to expand the existing authorized non-conforming structure if no legitimate concerns can be raised by adjoining property owners.

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

Mr. Gill also stated the Lancaster Moose Lodge has asked that the \$400 Special Exception fee be waived. In addition to that fee, the Moose Lodge has already paid for the BZA Variance request (also \$400) and feels that this total of \$800 for approvals to add on to their building is excessive. The Moose is a nationally respected organization and the local lodge donates too many local charities. The Moose believe their building expansion will improve fundraising, which will enable them to donate even more in the future.

Mr. Jenkins stated he would abstain as he is a member of the Lancaster Moose Lodge #2527.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by the Lancaster Moose Lodge # 2527 to expand/enlarge an existing authorized non-conforming structure on a 0.59-acre parcel described as Tax Map #6-3D, property is zoned C-1, Commercial and is located at 2108 River Road at the intersection of VSH 354 (River Road) and VSH 701 (Ridgefield Farm Road) in District 2 and not to waiver the \$400 Special Exception fee.

Mr. Geilich stated he agreed with Mr. Palin not to waiver the special exception fee. He said the Lancaster County Policy Memorandum #20 “Waiving Permit Fees states “Fees will not be waived for any individual, organization, church or any non-profit organization except fees for volunteer emergency services organization shall be waived”.

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

### **CONSENSUS DOCKET**

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

A. Minutes for November 28, 2011

Recommendation: Approve minutes as submitted

B. Service Areas of Designated Emergency Response Agencies Resolution

Recommendation: Defer to the regular January 26, 2012 meeting

C. Resolution of Appreciation – Gwendolyn P. Carneal

Recommendation: Approve the resolution



**RESOLUTION OF APPRECIATION**  
**GWENDOLYN P. CARNEAL**

**WHEREAS**, in 1988 the Commonwealth of Virginia authorized the establishment of local crime victim-witness assistance programs; and

**WHEREAS**, the Sheriff of Lancaster County first was awarded grant funding in 1997 for one part-time staff member to serve as the Director of the Victim-Witness Program for Lancaster County; and

**WHEREAS**, Gwendolyn Prince Carneal was selected as the first Director of the Victim-Witness Program for Lancaster County and served in that capacity from September 16, 1997 until her retirement on October 28, 2011; and

**WHEREAS**, during her fourteen years as the Director of the Victim-Witness Program she provided advocacy services with compassion and dedication for victims and witnesses of crimes, including but not limited to keeping them apprised of the status of their cases, assisting them in obtaining emergency housing, explaining the judicial process to them and contacting various public and private service providers on their behalf to appropriately address their individual needs; and

**WHEREAS**, Gwendolyn Prince Carneal was a staunch supporter of The Haven Shelter for victims of domestic violence, the annual Domestic Violence Awareness Month campaigns and the Virginia Crime Victim and Witness Rights Act.

**NOW, THEREFORE BE IT RESOLVED** that on behalf of the crime victims and witnesses who were served by the Victim-Witness Program as well as the citizens of Lancaster County, the Board of Supervisors of the Lancaster County does hereby recognize and express its gratitude to Gwendolyn Prince Carneal for her fourteen years of dedicated and faithful public service as the first Director of the Victim-Witness Program of Lancaster County.

**BE IT FUTHER RESOLVED** by the Board of Supervisors of Lancaster County that a copy of this resolution shall be spread upon the meeting minutes of the Board of Supervisors.

**ADOPTED** by the Lancaster County Board of Supervisors on this 29<sup>th</sup> day of December 2011.

D. Northern Neck Regional Hazardous Materials Emergency Response Plan

Recommendation: Approve the resolution

**RESOLUTION ADOPTING THE  
NORTHERN NECK REGIONAL HAZARDOUS MATERIALS  
EMERGENCY RESPONSE PLAN**

**WHEREAS**, the Emergency Planning and Community Right to Know Act (ECPRA) of 1996, requires that local governments develop and adopt Regional Hazardous Materials Emergency Response Plans; and

**WHEREAS**, a Local Emergency Planning Committee (LEPC) comprised of representatives from counties of Lancaster, Northumberland, Richmond and Westmoreland was convened in order to study the Northern Neck Region's risks from and vulnerabilities from Hazardous Materials, and to make recommendations on mitigating the effects of such hazards on the Northern Neck region; and

**WHEREAS**, the four counties of the Northern Neck authorized the Northern Neck Planning District Commission to hire an experienced consulting firm to work with the LEPC and Northern Neck Planning District Commission to develop a comprehensive Regional Hazardous Materials Emergency Response Plan for the Northern Neck Planning District; and

**WHEREAS**, the efforts of the LEPC members and the consulting firm of ASG,

in consultation with members of the public, private and non-profit sectors, have resulted in the development of a Northern Neck Regional Hazardous Materials Emergency Response Plan for the Northern Neck Planning District, including Lancaster County.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Lancaster County that the portions of the Northern Neck Regional Hazardous Materials Emergency Response Plan, dated July 28, 2011, applicable to Lancaster County is hereby approved and adopted for Lancaster County.

**ADOPTED** by the Lancaster County Board of Supervisors on this 29<sup>th</sup> day of December 2011.

E. Northern Neck Regional Natural Hazards Mitigation Plan

Recommendation: Approve the resolution

**RESOLUTION ADOPTING THE  
NORTHERN NECK REGIONAL NATURAL HAZARDS MITIGATION  
PLAN**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

**WHEREAS**, a Mitigation Advisory Committee (MAC) comprised of representatives from the counties of Lancaster, Northumberland, Richmond, and Westmoreland and the towns of Colonial Beach, Irvington, Kilmarnock, Montross, Warsaw, and White Stone were convened in order to study the Northern Neck region's risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Northern Neck region; and

**WHEREAS**, the Northern Neck Planning District Commission has updated the

plan in accordance with regulations promulgated by the Virginia Department of Emergency Management and the Federal Emergency Management Agency; and

**WHEREAS**, the efforts of the MAC members, in consultation with members of the public, private and non-profit sectors, have resulted in the development of a Natural Hazards Mitigation Plan for the Northern Neck Planning District, including Lancaster County.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of the County of Lancaster that the portions of the Northern Neck Regional Natural Hazards Mitigation Plan applicable to Lancaster County is hereby approved and adopted for Lancaster County.

**ADOPTED** by the Lancaster County Board of Supervisors on this 29<sup>th</sup> day of December 2011.

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1 . Approval of December 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for December 2011 in the amount of \$233,433.38\* and Invoice Listings for December 2011 in the amount of \$584,798.81\*.

\*Judicial Center Expenses \$5,139.70

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

- 2 . Request for Pump and Haul – Down-N-Dirty Motorcycle Club, Northern Neck Chapter  
 – Mr. Gill said a Request for Pump and Haul Septic Disposal at the proposed Down-N-Dirty Motorcycle Club (formerly RAKS Restaurant) located adjacent to the gas station/convenience store in the Lancaster Courthouse area in District 2.

Mr. Gill said a Permanent Pump and Haul Agreement and General Permit was issued to the Lancaster County Board of Supervisors on August 24, 2007, which allows the County to grant permission to certain parcels to use permanent pump and haul as their means of sewage disposal. The attached documentation verifies that this property, Tax Map #15-93 is one of those parcels. Previous approvals by the Board of Supervisors have required a \$1,000 bond and three-year renewals to guarantee performance of this arrangement.

Mr. Gill stated the Down-N-Dirty Motorcycle Club, Northern Neck Chapter is entering into an annual lease for this property to serve as their clubhouse and meeting facility. The club is registered with the State Corporation Commission and raises money and collects items to donate to local charities and provided the board with letters.

Mr. Palin made a motion to Approve the Request for Pump and Haul Septic Disposal at the proposed Down-N-Dirty Motorcycle Club (formerly RAKS Restaurant) located adjacent to the gas station/convenience store in the Lancaster Courthouse area in District 2 requiring a \$1,000 bond and three-year renewals to guarantee performance of this arrangement.

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

- 3 . Proposed Fee for Conservation Easement Co-Hold Application – Mr. Gill stated updates to the Permit/Publication Fee Schedule for the Department of Building and Land Use to include a fee for proposed Conservation Easement Co-hold applications.

Mr. Gill said at its November 28, 2011 meeting, the Board of Supervisors approved the Conservation Easement Co-hold Ordinance, Article 27 of the Lancaster County Zoning Ordinance. Article 27-8 (I) requires that an applicant “*shall pay to the County a fee sufficient to defray the actual and reasonable expenses of the County’s review of the application and the proposed deed of easement. The amount of such fee shall be established from time to time by resolution of the board of supervisors.*”

Mr. Gill stated our ordinance was modeled after Fluvanna County’s ordinance which has been in existence since 2006. Their fee for conservation easement applications is \$750. Staff recommends a similar fee for Lancaster County. For comparison, Lancaster County charges \$300 for an ordinance amendment application, \$400 for a special exception request and \$500 for a rezoning request. While there will be no advertising costs associated with a conservation easement application and the majority of the research and documentation will be done by the co-holding organization, there will be county staff time involved in reviewing the application and deed of easement.

Mr. Gill said staff is aware of a possible conservation easement co-hold application for 15.2 acres of waterfront property in the Cherry Point area of White Stone which may come before the Board as early as February 2012 and a fee needs to be established so that County application forms can be drafted.

Mr. Palin asked why the staff has recommended \$750.

Mr. Gill stated it is based on Fluvanna County's fee, the deed of easement will have to be submitted for County Attorney's review.

Mr. Beauchamp asked if there would be a tax revenue loss to the county.

Mr. Gill said there should not be a loss to the county, unless the property is currently being taxed above the land use rate.

Mr. Beauchamp said the loss could be \$500 per acre as per Mr. Thomas, Commissioner of the Revenue.

Mr. Gill reiterated that it would only be if the property is currently being taxed above the land use rate.

Dr. Russell made a motion to Approve the Update the Permit/Publication Fee Schedule for the Department of Building and Land Use to include the proposed Conservation Easement Co-hold applications fee of \$750.

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

## **BOARD REPORTS**

Village of Morrattico Historic District

Mr. Jenkins said he wanted to congratulate the residents of the Village of Morattico for their designation as a Historic District into the National Register of Historic Places. He stated he would recommend to the Board that Mr. Pleva, in consultation with members of the Historic Resource Commission, prepare the necessary documentation to officially make them a Lancaster County Historic District.

#### Farwell Speech – Peter N. Geilich

Mr. Geilich said this is his last meeting after eight year and it has been a great eight years. He said he has learned a lot is very proud of the new judicial center, which was built for \$2 million under budget and the renovation of the old courthouse (Administration Building) without a tax increase. He is very proud of the smooth transition from William Pennell to Frank Pleva, County Administrator. It has been a pleasure and honor to work with Jack Larson, Assistant County Administrator and Financial Officers, the county is in good financial condition because he has done an outstanding job. He stated the Board has a good working relationship with the Constitutional Officers. He congratulated Jason Bellows, stating he is a very fine man and believes he will be serving this county for years to come. He knows Mr. Bellows will do a great job. He thanked Andrey Thomasson with the Rappahannock Record for fine and accurate reporting, Charles Costello for taking such an interest in this county with positive participation as a citizen, Bill Warren, for Mercer Center, a partnership that has made a huge difference in this county. He thanked Zina Middleton, Administrative Assistant/Deputy Clerk for support and excellent work. He said a special thanks to his fellow board members who were not only his colleagues but his friends.

#### **COUNTY ADMINISTRATOR**

Mr. Pleva thanked Mr. Geilich for his service and the dedication he has given the citizens of Lancaster County for eight years. He respects Mr. Geilich for the service he has rendered his community.

#### **ADJOURNMENT**



Motion was made by Mr. Beauchamp to adjourn the meeting to Wednesday, January 4, 2012 for the Lancaster County Organizational Meeting in the County Administrator office.

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