

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 28, 2004.

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

Others

Present: Joseph Staton, Carter White, Clyde Hathaway and Robert Harper, Virginia Department of Transportation; Jack Larson, Planning/Land Use; Glenn Rowe, General Services; Robb Hoff, Rappahannock Record

Mr. Frere called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

**Lancaster High School Band London Trip**

Mr. Spiers, Lancaster High School Band Director stated this is a great opportunity for our youth. The band was recommended and chosen by a panel and this is a great honor. The band is proud to go as Ambassadors for Virginia and Lancaster County. He said it would be his honor to showcase the youth of our county in the London New Year Parade.

Ms. Ransone, Fundraising Chairperson, stated the Band Boosters have raised \$102,000 of a \$125,000 goal and students will pay \$895 of their own money and are required to independently fundraise. They have put countless hours into fundraising, planning and are totally committed. The motto of the Lancaster High Marching Band is "Excellence in Motion".

Maria Bessler, Senior Drum Major stated she was excited about the opportunity to perform in London. She said the band earned and deserves to go to London and needs the support of the county. The band will proudly represent Virginia and Lancaster County.

#### Planning Commission Meeting

Mr. Charles Costello said he wanted to thank the Planning Commission for allowing the public to speak at the October 21, 2004 meeting about the Planned Use Development ordinance.

#### **PRESENTATION**

None

#### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

##### Public Hearing on the Six-Year Plan

Clyde Hathaway stated the purpose of this public hearing was to get input from the Board of Supervisors and citizens of the county. He supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2005-06 through 2010-11 at an estimated cost of \$464,000 - \$367,000 per year. Clyde Hathaway gave a video presentation and informed the board that the county-wide project items include rural additions, traffic and safety services, private entrance pipes, preliminary engineering, seeding, fertilization, subdivision, and site planning. The incidental budget items are small projects such as drainage improvements, clearing of intersections and improving alignment.

The first item is VSH 630/Taylor's Creek Road for complete reconstruction, to improve the drainage and horizon and vertical alignments. The second priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment.

The Supplemental Projects on the Secondary System Construction Program listed have been removed because there are no monies available for the projects; however, VDOT does not want lose sight of the much needed projects. Supplemental first and second priorities will be a consolidated project which includes Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge; however, there are no funds available for this project. Priority three is Rte 605 near Pickardsville Road to improve the alignment. Priority four is Rte 607/Good Luck Road, a County Line Project with Northumberland, to improve the alignment a quarter of a mile west of Rte 200. Priority five is Rte 642, Little Bay Road for the improvement of alignment and drainage.

Unpaved road projects include existing state maintained dirt roads that need to be paved under the Rural Rustic Road program. The first item is Burnt Wharf Road, Rte 755 to the dead end. The second and third items are Airport Road, Rte 711 and Indiantown Road, Rte 222 for the Rural Rustic Road program.

Chairman Frere opened the public hearing.

Mr. Stoddard presented his concerns about the flooding on Rte 626 Towles Point Road. He said the road is flooded seven weeks out of the year. He provided VDOT with pictures.

Mr. Staton stated he would have to make a request thorough the board to have this project placed on the Six Year Plan. However, the financial outlook for VDOT is not good. This would be a big project because of wetlands, which is another huge issue to deal with.

The public hearing was closed.

Mr. Beauchamp made a motion to approve the Virginia Department of Transportation Six Year Plan and add Rte 626 Towles Point Road to the Secondary System Construction Program as Supplemental Project Priority #6.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **PUBLIC HEARING**

1. Request to add a permitted use to C-1 Conditional Zoning – David N. Simms –  
Mr. Larson stated a request by David N. Simms to add “Automobile Sales and Service” to “Marine Sales and Service” as permitted uses on property identified as Tax Map #34-50 (Part). This property is conditionally zoned C-1, Commercial, and is located on VSH 3 at the intersection with VSH 646, Old Salem Road, near White Stone, VA in Voting District 4.

Mr. Larson said while there was no input from adjoining property owners or other interested members of the public concerning this request prior to the hearing by the Planning Commission, there was some opposition expressed at the public hearing. This opposition was in the form of concerns over noise and traffic. The Planning Commission members expressed their unanimous support, felt that the requested additional permitted use of auto repair was a reasonable one that traffic issues would be adequately addressed, and that noise, if anything, would be less of a factor than the current situation.

Mr. Larson stated this request has been advertised as required by law and adjoining property owners notified. To date there has been no input from adjoining property owners or other interested member of the public concerning this hearing of the request.

Mr. Beauchamp stated he would not discuss this matter or vote because of a potential Conflict of Interest.

Chairman Frere opened the public hearing.

Melvin Grimes stated that he lives across from the property and is concerned about the noise, traffic, and the appearance of the property.

Mr. Owens stated he has the same concerns as Mr. Grimes.

Mr. Kilduff, legal representative for Mr. Eudy, contract purchaser of the property, stated there is a privacy fence and vegetated buffer already at this location. There will be parking in the front of the building, similar to other car repair facilities in the county.

The public hearing was closed.

Mr. Frere asked if this would have to go through the site plan procedure, which would address Mr. Grimes concerns.

Mr. Larson said a site plan will need to be submitted.

Mr. Jenkins asked if there was any intent to increase the size of the building.

Mr. Larson said yes, by 3200 square feet.

Mr. Frere said he had concerns about a commercial entrance.

Mr. Eudy stated they will have an approved commercial entrance.

Mr. Jenkins made a motion to approve the Request to add a permitted use to C-1 Conditional Zoning for David N. Simms.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Abstain
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Ordinance to Establish Fees for Emergency Medical Services – Mr. Hudson stated as the Lancaster County Board of Supervisors considered and established a career emergency medical services in the county the need for fees for services was a part of the overall concept. At the September 30, 2004 meeting of the board, the members authorized the advertisement of a public hearing to adopt an ordinance establishing these fees.

Mr. Hudson said this ordinance was developed by the county attorney and modified to fit Lancaster County's program.

Chairman Frere opened the public hearing. There were no comments. The public hearing was closed.

Mr. Beauchamp made a motion to approve the following Ordinance to Establish Fees for Emergency Medical Services:

**AN ORDINANCE TO IMPOSE A FEE FOR EMERGENCY  
MEDICAL SERVICES AND TO AUTHORIZE FOR THE  
COLLECTION  
OF SUCH FEE IN THE COUNTY OF LANCASTER, VIRGINIA.**

**WHEREAS**, that after public hearing, the Board of Supervisors hereby determines that it is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare and that the recovery of the cost of such emergency medical services is in the best interests of all taxpayers of the County.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Lancaster County, Virginia under the authority granted to it under §32.1-111.14 of the Code of Virginia that the following emergency medical services will have a fee imposed as hereafter to be set by resolution of the Lancaster County Board of Supervisors and as thereafter revised:

- Basic Life Support (Non-Emergency)
- Basic Life Support (Emergency)
- Advanced Life Support 1 (Non-Emergency)
- Advanced Life Support 1 (Emergency)
- Advanced Life Support 2
- Specialty Care Transport
- Mileage

This Ordinance shall become effective October 29, 2004.

**ROLL CALL**

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**CONSENSUS DOCKET**

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

A. Minutes for September 30, 2004

Recommendation: Approve the minutes

B. Funding for State Parks

Recommendation: Adopt the following Resolution:

**FUNDING FOR VIRGINIA STATE PARKS**

**WHEREAS**, Virginia’s state parks were voted “America’s best managed” in 2001 and became recipients of the National Gold Medal Award; and

**WHEREAS**, Virginia’s state parks rank fiftieth in state funding among the fifty states in both per capita and proportion of the state budget dedicated to state parks; and

**WHEREAS**, Virginia’s state park system is a major component of Virginia’s outdoor recreation and tourism offerings and contributes more than one hundred fifty million dollars annually to the state and local economies; and

**WHEREAS**, Virginia voters demonstrated, both in 1992 and 2002, support for improving and expanding state parks with nearly seventy per cent support for general obligation bond referenda in state-wide elections; and

**WHEREAS**, the need for reviewing funding and staffing for state parks has been identified and supported by the form Commission on the Future of Virginia’s Environment; and

**WHEREAS**, preventative, cyclical and maintenance reserve projects have been deferred for many years as those funds have been redirected to operations resulting in hundreds of millions of dollars in deferred maintenance; and

**WHEREAS**, the expansion of facilities and responsibilities made possible by the 1992 and 2002 general obligation bonds projects has placed unreasonable and extraordinary stress on our state park system and its staff; and

**WHEREAS**, the new facilities under construction and to be build by proceeds from the 2002 general obligation bonds will greatly exacerbate the current park staffing and operational unmet needs and may lead to delayed openings and indefinite land banking of new park land acquisitions.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors urges Governor Warner and the members of the Virginia Senate and House of Delegates to support budget amendments that address this critical need in the 2005 legislative session.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of October 2004 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for October 2004 in the amount of \$148,546.69 and Invoice Listings for October 2004 in the amount of \$464,464.21.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Request to Revalidate Special Exception for an Individual Manufactured Home – David N. Simms – Mr. Larson stated a request by David N. Simms to reinstate a Special Exception to Place an Individual Manufactured Home on property identified as Tax Map #34-50A. This property is located on VSH 646, Old Salem Road, near White Stone, VA in Voting District 4.

Mr. Larson said the Board of Supervisors granted Mr. Simms a special exception on June 28, 2001 to place an individual manufactured home on the subject property. He was required to obtain a zoning permit and building permit within twelve months of that date. Since permits were not obtained and placement did not occur within the required timeframe, the special exception expired.

Mr. Larson stated this request to reinstate the special exception and action by the Board of Supervisors as a consideration item is not without precedent. On two previous occasions in the last three years (Lawyer and Steele) the Board of Supervisors has granted a reinstatement of a special exception that had lapsed due to the applicant not actually completing all aspects of the permit. Further, like the others, no opposition was raised to this request for a special exception when it was originally heard at public hearing and considered by the Board.

Mr. Frere made a motion to approve the Request to Revalidate the Special Exception for an Individual Manufactured Home for David N. Simms.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Approval of Final Subdivision Plat (Moody Acres) – James L. Moody – Mr. Larson stated Mr. Moody is requesting final plat subdivision approval for the subdivision, Moody Acres. The subdivision is in Voting District 4.

Mr. Larson said the Board of Supervisors has not previously seen a plat of this proposed subdivision. There is no representation of topography. Such representation is not considered critical when there is little or no relief across or within the proposed lots. However, there are significant elevation changes in the vicinity of this subdivision, raising the issue of whether buildable area is sufficient on all lots. A topographical overlay was requested from the surveyor, Mr. Pruet. As indicated, it appears that at least minimum requirements for buildable area have been met. Mr. Whitehead, agent for the sub-divider has provided a letter from the supporting fire department to meet the requirements of paragraph 5-27 of the subdivision ordinance.

Mr. Frere made a motion to the Approve the Final Subdivision Plat (Moody Acres) for James L. Moody

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Approval of Final Subdivision Plat (River Village) – Coastal Land Development, LLC – Mr. Larson stated Coastal Land Development, LLC is requesting final plat subdivision approval for the subdivision, River Village. This subdivision is in Voting District 5.

Mr. Larson said the Board of Supervisors has seen both a preliminary sketch of this subdivision and the preliminary plat. Both met with approval subject to providing an additional 20' of dedicated right of way to Benson Road.

Mr. Larson stated new information submitted with this final plat includes covenants, a performance bond to guarantee completion of subdivision roads, a letter from the chief of the supporting volunteer fire department, and identification of the mass drainfield site that is the sewage treatment solution for this subdivision. All materials have been reviewed and appear to be in order. Additionally, required Health Department and VDOT approval have been obtained, and a permit has been granted that provides comprehensive shoreline protection measures. The only concern was remaining buildable area on Lot 9 outside of the drainfield easement. The surveyor, Phillip Keyser, has certified that the area is 10,160 square feet, which meets our minimum requirement of 10,000 contiguous square feet for buildable area.

Mr. Larson said that his memorandum to Board members stated that Coastal Land Development had met all the requirements as indicated in the preceding paragraph for final subdivision plat approval. However, subsequent to his review and not until this date, Mr. Larson noted the fact that the mass drainfield system was located on portions of five building lots. Section 5-3 states, “the agent and board of supervisors shall not approve any subdivision utilizing remote sewage disposal sites unless such sites are placed on common ground or out parcels which will not be developed as buildable lots.”

Mr. Beauchamp stated he would not discuss this matter or vote because of a potential Conflict of Interest.

Mr. Chase, representing Coastal Land Development, stated the Board of Supervisors knew the history of this project. He further argued that a hardship was presented by the late notification of the inconsistency with the subdivision ordinance and that the mass drainfield should be viewed differently from remote septic systems. He stated that the proposed mass drainfield is preferred by the Health Department, because it will cover the entire community. He said that he understands that the mass drainfield on building lots as presented is not consistent with the subdivision ordinance; however, it is safer for the environment, is more technologically advanced, and will likely be reduced or modified as additional soil work is done. There are also markers in place to clearly delineate the drainfield. He asked the board not to derail this project and approve the plat as presented.

Mr. Frere stated that he could allow the drainfield area depicted on lots 8 and 16 as an exception because the area was not significant. However, he felt that the intrusion on lots 9, 10, and 15 was too great to allow them to be approved as building lots and suggested approval of the subdivision plat less lots 9, 10, and 15. This would allow Coastal Land Development the opportunity to close the sales of reserved lots without further delay. With respect to lots 9, 10, and 15 Coastal Land Development could relocate drainfield area to common lots, or re-designate these lots from building lots to common lots. Alternatively, they could choose to wait, allowing the Planning Commission and the Board to investigate Mr. Chase's claims relative to mass drainfields and carry out the process to change the Subdivision Ordinance such that the plat as submitted is consistent.

Mr. Frere made a motion to approve the Final Subdivision Plat (River Village) for Coastal Land Development, LLC with exception of lots 9, 10, and 15.

The subdivision of these lots will be considered upon further administrative review of the remote drainage.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Abstain
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

By consensus of the board, the requirements relating to remote septic systems as set forth in the Subdivision Ordinance and the subject of mass drainfields is referred to the Planning Commission for its consideration.

5. RFP for Mapping Display System and Map Conversion Services – Mr. Rowe stated county staff has advertised an RFP for provision of a 911 mapping display system as required to implement phase II wireless 911 emergency telephone service. The RFP includes the mapping display system, conversion of existing 911 addressing data to a format compatible with the mapping system and other map conversion necessary for ongoing maintenance of addresses and road centerlines.

Mr. Rowe said this project will be funded through a combination of E-911 and Wireless 911 tax revenue.

Mr. Rowe stated the county received seven bids as a result of this RFP. A preliminary review of the bids was conducted for the purpose of identifying three qualified bids which would best fit the county's needs. The firms on this "shortlist" made presentation of their products services and answered questions.

Mr. Rowe said Lancaster County's 911 map data is currently maintained in a format with limited compatibility with other, more widely accepted mapping

applications, such as MapInfo or ESRI's ArcView. This issue, known to us for several years, is to be resolved within the scope of this project. The solution requires conversion of road centerline and building location data from the existing format to a more universally accepted format.

Mr. Rowe said inclusion of road centerline data from the Virginia Base Mapping Program will change the scope of work slightly by eliminating one or more steps from the map conversion process to be undertaken by Geocomm and its mapping subcontractor, Timmons Group. For this reason, we asked that the decision to approve Geocomm be delayed until the full effect of using VBMP centerlines could be understood. Geocomm was the lowest bidder and has indicated that the change in the scope of work will result in a reduction in the contract price of \$3,084.00. The total cost of the project would be \$130,644.00.

Mr. Beauchamp made a motion to accept the bid of \$130,644.00 from Geocomm and allow county staff to negotiate and execute the contract.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

6. County Donation to Lancaster High School Band Trip to England – Mr. Frere said the band and sports are not a part of the school budget. The Band Boosters raise all the money to supply students with uniforms, trips to parades, instruments, etc. The band has received a lot of private support from the community. This is a great recognition and opportunity for the Lancaster High School Band to represent Lancaster County.

Mr. Beauchamp asked about the cost of the trip for students and the amount of money that has been raised.

Mr. Spiers stated the cost per student is \$1,850 and the Band Boosters will raise \$1,000 for each student. The cost to each student is \$850 for the trip to London. The goal for the Band Boosters is \$125,000 and they have raised \$102,000 so far.

Mr. Geilich stated this is a great recognition for the band and private donations have been made. He asked if the \$7,500 contribution from the school board came from state money received. The contribution is attributed to excess average daily membership revenues.

Mr. Jenkins said the state funds should have come back to the county.

Mr. Frere made a motion to donate \$7,500 to the Lancaster High School Brand Trip to London.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Nay
	Peter N. Geilich	Nay
	F. W. Jenkins, Jr.	Nay
	Ernest W. Palin, Jr.	Aye

Motion failed.

7. Resolution to Adopt Emergency Medical Service Fees – Mr. Pennell stated the Board of Supervisors has previously approved the assessment of emergency medical service fees to support the career emergency medical technicians that now respond to calls for service Monday – Friday, 6 a.m. – 6 p.m. At the September 30, 2004 meeting of the Board of Supervisors, the members approved a billing policy and a fee schedule.

Mr. Pennell said the ordinance adopted previously this evening provides for the setting of fees for service by resolution of the Board of Supervisors. This resolution finalizes the ambulance billing process.

Mr. Beauchamp made a motion to adopt the following Resolution for Emergency Medical Services Fees:

**EMERGENCY MEDICAL SERVICES  
FEES FOR SERVICE**

**WHEREAS**, the Code of Virginia requires a governing body to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, the Kilmarnock-Lancaster Volunteer Rescue Squad and the Upper Lancaster Volunteer Rescue Squad have entered into a cooperative agreement with the County of Lancaster to provide emergency medical services to Lancaster County residents; and

**WHEREAS**, the County of Lancaster has developed a career emergency medical technician program to staff the rescue squads during various days and times of the week; and

**WHEREAS**, the funds to pay for the career emergency medical technician program will come from an established fee for service program within the county; and

**WHEREAS**, the county has contracted with a private ambulance billing company to manage the administrative elements of the fees for service program.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors establishes the following fee schedule for fees for

emergency medical services in Lancaster County beginning September 1, 2004 until otherwise amended:

Basic Life Support – Non-Emergency	\$300.00
Basic Life Support – Emergency	300.00
Advanced Life Support – 1 - Non-Emergency	300.00
Advanced Life Support – 1 - Emergency	400.00
Advanced Life Support – 2	575.00
Specialty Care Transport	675.00
Mileage	8.25/mile

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

### **BOARD REPORTS**

Mr. Frere made a motion to reappoint Linda Kelly to the Social Services Board to represent District 4 for a four year term which began July 1, 2004 and ends June 30, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Beauchamp made a motion to reappoint Katherine Chase to the Social Services Board to represent District 5 for a four year term which began July 1, 2004 and ending June 30, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Frere made a motion to reappoint Richard S. Krolak to the Building Code Appeals Board to represent Lancaster County District 4 for a four year term which began April 30, 2004 and ends March 30, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

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, 2004 and ends November 11, 2008.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**COUNTY ADMINISTRATOR**

None

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

VOTE:	Patrick G. Frere	Aye
	B. Wally Beauchamp	Aye
	Peter N. Geilich	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye