

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, February 24, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; Carter White, Virginia Department of Transportation; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

Charles Costello stated he attended a meeting at the Lancaster Public Library to start an organization to work with county officials. There were approximately 75 – 80 interested citizens in attendance. The organizational meeting will be held on Wednesday, March 2, 2005 at the library.

Joe Urban stated he attended the Planning Commission meeting on February 17th and the citizen meeting. He stated he has concerns about Bay Act Waivers and the Comprehensive Plan.

Mr. Jenkins responded that Lancaster County is well ahead of the game with the Comprehensive Plan; however, because it is due to be updated Summer 2005. We believe we are in compliance with the Bay Act; however, CBLAD has a different point of view.

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. White stated VDOT had just completed a rip rap repair project on both sides of Windmill Point Road.

Mr. White said they are about to start pot hole repairs and should the board receive any calls, please forward the information onto Robert Harper at 435-1580.

Mr. White stated Merry Point Ferry was still down due to the fact that a part needs to be manufactured. He will push for a new ferry because this ferry is approximately twenty years old. He believes that the ferry has exceeded its life expectancy.

Mr. White stated the work on VSH 630/Taylor's Creek Road is going well. They are still pulling stumps and starting to pour concrete.

PUBLIC HEARING

1. Glenn P. and Dorothy B. Beane – Request for Bay Act Waiver – Mr. Larson stated Glenn P. and Dorothy B. Beane request a Bay Act Waiver to construct a single family residence that would place approximately 1460 square feet of impervious cover inside the 50' seaward component of the 100' protective buffer. Encroachment would be as close as 25' to tidal wetlands. The property is described as Tax Map # 20D-2-464 which is located off Highview Drive in the Corrotoman-by-the-Bay subdivision near Mollusk, VA. This property is in Voting District 1.

Mr. Larson said Corrotoman-by-the-Bay subdivision was recorded on November 22, 1966, nearly nine years before any zoning ordinance setting minimum lot sizes was implemented and nearly twenty-two years before any setback in the form of a protective buffer was established as a protective measure for the Chesapeake Bay. This parcel is unchanged since the original recording of the subdivision and is being assessed as a buildable lot by the Commissioner of the Revenue (assessed value is \$143,000). A relatively modest building footprint of 1200 square feet is being proposed. These conditions or actions would seem reasonable arguments for granting a waiver. However,

the applicants do have the alternative of using an engineered septic system that would result in the requirement for a much smaller area for a primary drainfield. Until that alternative is investigated and the need to encroach into the 50' seaward reassessed, it is recommended that the request for a waiver be postponed.

Mr. Larson said adjoining property owners have been notified and advertising as required by law has been conducted. One letter protesting this request from an adjoining property owner is attached. Two other property owners, either adjoining, or across the shared body of water, have contacted this office and indicated their general objection to this request. All have indicated that they feel the applicants have alternative courses of action to intruding into the 50' seaward component of the 100' protective buffer.

Mr. Jenkins opened the public hearing.

Albert Mumma stated he is an architect and has studied the site plan and he has made some suggested modifications and addressed the 50' setback that would be better for Mr. and Mrs. Beane and the Bay Act. He submitted the revised plan to Mr. Larson so that his concerns could be forwarded to the agent and homeowners.

Anker Madsen stated Lancaster has a beautiful county setting and he would like to avoid going into the 100' buffer. He asked the board not to approve any structures within the 100' buffer.

Dana Gilmore asked if the area was defined as intense development. He read from the Virginia Administrative Code development criteria for Resource Protection Areas which states land development maybe allowed in the RPA subject to approve by the local government only: 1) water dependent; 2) constitute redevelopment; 3) constitute development within a designated intensely developed area; and 4) a new use (reference agriculture). He said according to the Administrative Code he doesn't see how this could be approved.

Mr. Pennell said Lancaster County has been enforcing the Chesapeake Bay Preservation Act more strictly then any other county since 1990 and believes that it is

being enforced correctly when giving encroachment up to the 50' because otherwise it becomes an unbuildable lot. He stated the area is not defined as intense development and further explained unbuildable and grandfathered lots.

Mr. Jenkins closed the public hearing.

Mr. Jenkins made a motion to continue the Request for Bay Act Waiver for Glenn P. and Dorothy B. Beane.

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

CONSENSUS DOCKET

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

A. Minutes for January 25, 2005

Recommendation: Approve the minutes

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of February 2005 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for February 2005 in the amount of \$153,770.50 and Invoice Listings for February 2005 in the amount of \$426,699.92.

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

2. Resolution in Support of Submittal of Greentown-Gaskins Road Community

Development Block Grant – Mrs. Hollingsworth stated there has been a long standing need for improvement in the lives of residents in the Greentown/Gaskins Road area. There are issues concerning the lack of functioning wells and septic systems, houses in various states of disrepair and storm drainage problems. This grant would benefit 76 people in the Greentown/Gaskins Road area. She asked the county to offer \$50,000 as a local match to the requested CDBG funds.

Mrs. Hollingsworth said Lancaster County applied for and received a Planning Grant from the Department of Housing and Community Development to determine how best to address these issues. The planning period has now been completed and the grant for funding is now being prepared for submittal on March 23, 2005. The application is for \$1,432,756.00 of Virginia Community Development Block Grant funds.

Mr. Palin made a motion to adopt the following Resolution in Support of Submittal of Greentown-Gaskins Road Community Development Block Grant.

**GREENTOWN/GASKINS ROAD COMMUNITY DEVELOPMENT
BLOCK GRANT**

WHEREAS, pursuant to two public hearings, Lancaster County wishes to apply for \$1,432,756 of Virginia Community Development Block Grant funds for the Greentown/Gaskins Road project.

BE IT RESOLVED, since \$500,000 of Indoor Plumbing/Rehabilitation funds, \$57,000 of Southeast Rural Community Assistance Project funds and \$50,000 in local funds will also be expended in this project, it is projected that 76 persons will benefit from the implementation of this project, of which all will be low and moderate income persons; and

BE IT FURTHER RESOLVED, that the county administrator is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.

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

3. Resolution for the Standards of Privacy of Individually Identifiable Health Information – Mr. Pennell stated Southern Health has asked the Board of Supervisors to adopt the attached resolution in support of the Standards of Privacy of Individually Identifiable Health Information. The county has added the “Be It Further Resolved” paragraph to control the number of county representatives who are eligible to request the information.

Mr. Pennell said if adopted, he will prepare a cover letter to Southern Health notifying them that the county administrator and accounts administrator are the only authorized persons who may request this information.

Mr. Geilich made a motion to approve the following Resolution for the Standards of Privacy of Individually Identifiable Health Information:

**STANDARDS OF PRIVACY OF
INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION**

WHEREAS, the County of Lancaster, Virginia (Employer) provides health care benefits to the participants in Employer’s employee welfare benefit plan (group health plan); and

WHEREAS, Employer and Southern Health Services, Inc. and/or Coventry Health and Life Insurance Company (MCO) acknowledge their obligations to protect the privacy of certain information of such participants; and

WHEREAS, MCO needs certain representations from Employer prior to MCO releasing any protected health information that may be necessary for the Employer to administer its group health plan.

NOW THEREFORE BE IT RESOLVED, Employer represents, as the Plan Sponsor of its group health plan, that any employee of Employer requesting protected health information (PHI), within the meaning of the Standards for Privacy of Individually Identifiable Health Information set forth at 45 C.F.R. Parts 160 and 164 (the “Privacy Rule”), about an employee or dependent from MCO is acting on behalf of Plan Sponsor’s employee welfare benefit plan. Employer further represents that it has caused the welfare benefit plan’s documents to be amended consistent with 45 C.F.R. 164.50(f)(2) and has provided the certification to the employer welfare benefit plan described in 45 C.F.R. 164.504(f)(2) that Plan Sponsor will, among other things, not use or disclose the information requested for employment-related actions and decisions or in connection with any other benefit or employee benefit plan.

BE IT FURTHER RESOLVED, that the County Administrator shall provide to MCO the names of County employees entitled to request the PHI and MCO shall only respond to requests from those individuals and that those individual County employees shall execute an agreement to be placed in their personnel file that they will not use or disclose the information requested to any third party or any County employee other than the County Administrator.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye

B. Wally Beauchamp Aye
Ernest W. Palin, Jr. Aye

BOARD REPORTS

Historic Resource Commission

Mr. Geilich stated that the Historic Resource Commission met on February 23, 2005 and discussed making Lancaster Courthouse an historic district. This proposal would be brought to the Board of Supervisors in the future. In addition, as part of the process, there should be a highway marker at an appropriate location near the courthouse which would cost approximately \$1,125.00. The Historic Resource Commission is willing use FY05 budget of \$500.00 and consider using next year's budget. For the wording of the plaque the commission has talked to the high school about opening a contest for the senior history class with a \$50.00 prize. This will discussed further with the school superintendent.

Mr. Jenkins stated there is an existing survey done by the state historical resource commission which starts at Trinity Church and goes to the Old Pierce House to encompassed the original courthouse square that was laid out in 1740's.

COUNTY ADMINISTRATOR

Mr. Pennell stated that on March 4, 2005 the county will be taking two cases to court. The first is a property owner in the Heritage Point Subdivision who has not repaired a home damaged by Hurricane Isabel. The second is the Old Davis Store on Orcan Road. Mr. Pennell believes the owners of the old store will demolish and clean up before the court date.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting to Monday, March 14, 2005 at 4:30 in the county administrator's office for a Budget Work Session.

VOTE: F.W. Jenkins, Jr. Aye

Peter N. Geilich	Aye
B. Wally Beauchamp	Aye
Ernest W. Palin, Jr.	Aye