

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 27, 2008.

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

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

Mr. Jenkins stated it was his sad task of informing the board of the passing of one of the county's most distinguished citizens - Lt. General Gordon Graham who served in WWII, Korean and Vietnam War. When he retired to Lancaster County he had a passion to be an animal advocate, thus he served the county as a volunteer investigator of animal abuse and assisted at the Animal Shelter in caring for and attending to the animals. By honoring this great man the Board of Supervisors honors all those who volunteer their services for the betterment of the quality of life in Lancaster County.

PUBLIC INPUT

Greenvale Creek

Nick Ferriter, Rocky Neck, has concerns about Greenvale Creek. He stated he noticed in the current issue of the Chesapeake Bay Magazine there is a sentence that reads "Because of continued shoaling of the Greenvale Creek Channel off the Rappahannock River the Coast Guard will change its seven navigation aids to read

“danger channel shoal and danger pile” and no longer maintain them. He said his wife got a notice from the Coast Guard which reads, “Due to continued shoaling in the Greenvale Creek Channel the Coast Guard can no longer safely maintain the aids to navigation that mark this waterway”. There was additional information in the article which talked about a survey done by the Army Corps of Engineers that showed there is very little water in the entrance to Greenvale Creek. The article also stated, if and when depths increase or dredging is completed, the Coast Guard will consider reestablishing the aids to navigation in the channel. There are a number of commercial fishermen that operate out of Greenvale Creek, two marinas, a number people, and the county’s only public access to water. He requested that the Board of Supervisors take action.

Mr. Pennell stated this has been an ongoing issue for a number of years and the county has been working towards getting this project going. He said on March 21, 2008 he met with Congressman Wittman, Senator Stuart, and Delegate Pollard and talked about this issue. Congressman Wittman has agreed to put in a budget bill for next fiscal year for the dredging of Greenvale Creek and has also sent information to Senator Webb in the Federal Senate to do the same thing. Delegate Pollard has agreed to try and find Virginia Ports funding to help with this project and Senator Stuart will assist in any way possible. He has spoken to the Corps of Engineers and it all comes down to money, they can not do the dredging without money. The Army Corp of Engineers supports the county’s endeavor to get this project done but money is an issue. This coming up on the Coast Guard “Aids to Navigation” could be a benefit and work in our favor. This can not appear in the budget until fiscal year 2009 which begins on October 1st. He said the local permit expired and it is rescheduled to the Wetlands Board in May to renew the permit and the Army Corps of Engineers permit is valid for another year or more.

Martin Baron lives on Rocky Neck Road and stated a lot of people live on and/or make their living on Greenvale Creek. It is very important that it stays open for Navigation as the only public access to the water. This does need the support of the Board of Supervisors.

Fred Ajootian said the permits were obtained in 1990's for dredging and should be still in effect.

Mr. Pennell stated the citizens have more of an effect on those Congressmen than the Board of Supervisors. He encouraged the citizens to call and/or write.

Gene Oren stated he retired and moved here a couple of years ago and has enjoyed the creek, restaurant, peace and quite. He hopes that the Board of Supervisors will help with getting this project moving.

Mr. Geilich stated the Board of Supervisors and county staff is working on this project and citizens should call and write their Congressmen.

Request for Speed Study on Oak Hill Road

April Ortiz, lives on Oak Hill Road, where the current speed limit is 35 mph and needs a speed study done to decrease the speed limit. It is a 17' road with a blind curve. She stated it is an accident waiting happen. There is signage stating End 35 mph going down to Yankee Point Road, what does that mean? She did a comparison of a number of roads in the county with 35 mph where the roads are wider than Oak Hill Road and requested that the Board of Supervisors ask Virginia Department of Transportation to do a speed study.

Archie Lake said he lives on Oak Hill Road says it is very narrow and dangerous and with summer approaching the number of families traveling Oak Hill Road to get to Yankee Point Marina the likelihood of an accident will increase. The speed limit needs to be decreased soon to ensure the safety of all the people who will be travel this road.

By consensus the board, they would request that Virginia Department of Transportation to do a speed study of Oak Hill Road.

Closed Session Result from February 28, 2008 Meeting

Kendall Acors asked what the results were at the closed session at the last month's Board of Supervisors meeting.

Mr. Pennell stated the Board of Supervisors authorized the county attorney to proceed with the recovery of funds paid to the former superintendent and to purchase the property for the new judicial administration building.

PRESENTATIONS

1. The Family Maternity Center of the Northern Neck – Shirley Dodson-McAdoo, President of the Family Maternity Center of the Northern Neck said she was asking the Lancaster County Board of Supervisors for a letter of support for the Center's grant application to the U.S. Department of Agriculture. The letter of support would put the center in a more favorable position to receive funds. The loan application is for \$1.6 million at 4.375% for 40 years. With the assistance of Ken Cooke, President of the Virginia Rural Health Association an operating budget has been developed showing they can be sustainable and with minimum expectation be profitable within the third year of operation.

Mrs. Dodson-McAdoo said Rappahannock General Hospital Obstetrics Unit had between 292 -296 births in 2004 which is the year their program closed. The closing was due to the Medicaid reimbursement rate and malpractice fees/lawsuits. She said because of the lost of delivery services to this area, the Virginia General Assembly appropriated funds during the 2006, 2007 and 2008 sessions to be utilized for hiring an OB pilot project coordinator to implement a program under House Bill 2656 using the Midwifery Model of Care to restore maternity services because of the high infant mortality areas. The birth center falls under the Rural Health Clinic designation which will serve to secure the sustainable of the facility.

Mrs. Dodson-McAdoo said during Phase I of the project, they successfully focused on the initial tasks/subtasks and deliverables established by the Virginia Department of Health. By securing funds from the USDA, Phase II of the project is construction of a facility and beginning of service delivery can be implemented.

Mrs. Dodson-McAdoo stated that the Center is a 501 c 3 organization and has written a number of grants. They have already received \$30,000 in donations and \$125,000 in pledges. Its mission is to promote healthy children and families by providing the highest quality, compassionate, family-centered, cost-effective maternity and pediatric services to those living in the Northern Neck and the Middle Peninsula.

Mr. Geilich asked if the Center would be utilizing the pathology services at Rappahannock General Hospital? Does having Dr. Hamilton as Medical Director does he still have to have medical malpractice insurance and at what cost?

Mrs. Dodson-McAdoo said yes they would use pathology services at RGH as per an agreement sign October 2007 and Dr. Hamilton's medical malpractice insurance went to \$200,000 which is why he does not practice, he is currently paying \$47,000 per year and after doing some research he is insurable. The midwives medical malpractice insurance will be \$5,000 per year but as they deliver more babies that cost will raise.

Mr. Geilich asked how many births are required to make this a viable program, how does Medicaid reimburse and will there be continuous fund raising?

Mrs. Dodson-McAdoo said to have a positive cashflow, the center will need 100 births and believes they will have 46 births in the first year. The center

will also provide prenatal and other services that are reimbursable. The Medicaid reimbursement is \$1,700 per birth along with other services.

Mr. Geilich stated he does not believe that the county should get into acute medical care which could be a bottomless pit for the taxpayers.

Mr. Palin asked what is considered low risk and what is tele-medicine.

Mrs. Dodson-McAdoo said low risk are individuals between the ages of 15 – 40, no health concerns such a high blood pressure or diabetes, weight not to excess 200 lbs and they will have to comply with instructions at each visit. The doctor can schedule a tele-conference because some of the patients cannot travel an hour and a half.

Mr. Geilich said the center will have no anesthesia or epidural.

Mrs. Dodson-McAdoo stated no, the center is for natural births.

Dr. Russell said he believes the birthing center is a great idea and after living and working in rural areas for a number of years, funding was given to some of the birthing centers and they also started tele-medicine. He thinks this would be an asset to the county.

Dr. Russell made a motion authorizing the County Administrator to draft a letter of support from the Lancaster County Board of Supervisors for the Family Maternity Center of the Northern Neck grant application to the U.S. Department of Agriculture.

VOTE:	Peter N. Geilich	Nay
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye

F. W. Jenkins, Jr. Aye
Ernest W. Palin, Jr. Aye

Mayor Smith, Town of Kilmarnock, stated this is very important for this county and the center will fit like a piece of a puzzle into the county scheme of things. The birthing center will serve some of those who may not be able to travel.

VIRGINIA DEPARTMENT OF TRANSPORTATION

1. Taylor’s Creek Road Changes – Resolution – Mr. Balderson stated the highway department has asked the Lancaster County Board of Supervisors to adopt the resolution to approve the recent changes in the primary and secondary system due to the relocation and construction of VSH 630/Taylor’s Creek Road.

Dr. Russell stated as a result of the work done on Taylor’s Creek Road there is still one resident (Mrs. Carter) whose house is flooding every time it rains and this problem did not start until the work was done on Taylor’s Creek Road. He has met with Sean Trapani and this problem has not yet been resolved.

Mr. Beauchamp made a motion to approve the following resolution for the Taylor’s Creek Road Changes.

**CHANGES IN THE PRIMARY AND SECONDARY SYSTEMS
DUE TO RELOCATION AND CONSTRUCTION ON ROUTE 630 (Project
0630-051-C501)**

WHEREAS, Secondary Route 630, from intersection of Route 629 to 1.37 miles west of intersection of Route 630, a distance of 1.37 miles, has been altered and a new road has been constructed and approved by the State Highway Commissioner, which new road serves the same citizens as the road so altered; and

WHEREAS, certain sections of Primary and Secondary Roads follow new locations, these being shown on the attached sketch titled, "Changes in the Primary and Secondary System Due to Relocation and Construction on Route 630, Project 0630-051-128, C501, dated February 14, 2008."

NOW, THEREFORE, BE IT RESOLVED, that the portions of Secondary Roads, i.e., Sections C1 to C2, C2 to C3, and H1 to H2, shown in purple on the attached sketch titled, "Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 630, Project 0630-051-C501, dated February 14, 2008.", a total distance of 0.20 miles be and hereby is renumbered in the Secondary System of public State Highways; and

BE IT FURTHER RESOLVED, that the portions of Secondary Roads, i.e., Sections C to C1, B to C, C to C4, F to G, H to J, J to K, K to H3, J to H1 and K to H2, shown in blue on the attached sketch titled, "Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 630, Project 0630-051-128, C501, dated February 14, 2008.", a total distance of 0.57 miles be and hereby is, added as a public road to the Secondary System of State Highways, pursuant to Section 33.1-229 of the Code of Virginia,

BE IT FURTHER RESOLVED, that the portion of Secondary Road Route 630, i.e., Sections B to C3, C1 to C4, F to G, H to H1, H2 to H3 and H3 to L1, shown in red on the attached sketch titled, "Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 630, Project 0630-051-128, C501, dated February 14, 2008", a total distance of 0.47 miles be and hereby is, abandoned as a public road and from the Secondary System of State Highways, pursuant to Section 33.1-155 of the Code of Virginia,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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

Traffic Signal at VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Mr. Balderson said the main poles have been set at the intersection of James Jones Memorial Highway and Irvington Road. He does not have a definite time line for completion but they are making progress.

Maintenance

Mr. Balderson stated all the street sweeping has been done in all the curb and gutter sections to remove sand. VDOT did some latex resurfacing work in Lively.

Mr. Balderson said litter is a big issue, tentative they will start mowing May 1, 2008 and will do 100% pick up on routes prior to mowing.

Mr. Balderson stated next week the highway department will be performing county-wide patching with plant mix to correct some weak areas, dips, etc.

VSH 200/Irvington Bike Path

Mr. Balderson said on VSH 200/Irvington Road near “Mom & Pops” will be getting and overlay this year and they will be installing 4’ wide bike path on either side.

VSH Oak Hill Road Speed Study Request

Mr. Jenkins requested that they redo the speed study on Oak Hill Road. There is a successful commercial operation there and the blind curb can create difficulty.

VSH 675/Blackstump Road

Mr. Beauchamp asked for an update on the VSH 675/Blackstump Road speed study.

Mr. Balderson said he believes they are going to reduce the speed on VSH 675/Blackstump Road but encountered other problem which is being reviewed.

Six-Year Plan

Mr. Pennell asked about the meeting schedule for the Six Year Plan.

Mr. Balderson said they do have final budget number and would like to have a Six-Year Plan work session at the April 24, 2008 Board of Supervisors regular meeting and schedule the public hearing for the May 29, 2008 Board of Supervisors meeting on the Secondary Highways Six-Year Plan.

PUBLIC HEARINGS

1. Charles Bouis – Application for Special Exception – Mr. Gill presented an application for special exception by Charles Bouis to place an 80 foot data antenna/pole for wireless internet access on property described as Tax Map #35 G 1 11C. This property is located on Wayne Circle off VSH 645, Dungeon's Thicket Road, in Voting District 3.

Mr. Geilich said the applicants have withdrawn the application. No action taken.

2. William Goodson – Application for Special Exception – Mr. Gill presented an application for special exception by William Goodson to place an 80 foot data antenna/pole for wireless internet access on property described as Tax Map #21

80 A. This property is located at 2122 Iberis Road off VSH 604 Merry Point Road in Voting District 2.

Mr. Gill said in Article 5-1-23 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. This is a continuation of requests for special exception consideration to locate data antenna at various locations within the county to provide wireless broadband internet access in areas lacking that capability.

Mr. Gill stated there are no zoning issues with the location of this pole. This request has been advertised and adjoining property owners notified as required by law. To date, staff has received one letter for an adjoining property owner in opposition of placing it within 100 meter or 328 feet of his property sighting health reasons from electromagnetic frequencies. After visiting the site it is not possible to locate that pole at a distance on Mr. Goodson's property away from the adjoining owner's property line.

Chairman Geilich opened the public hearing.

Robert Weekly said he is a neighbor adjacent to Mr. Goodman and is in favor of the project. It's great that they will be able to get internet access.

Mr. Goodson stated using dial-up is nearly impossible and this will be a great asset to the area. He said he had done some research and can not find anything stating this could cause health issues. There is no other location on the property for the pole.

Phillip Oestreich stated he was in favor of the project and the good outweighs the bad in this case.

Tom Foulkes, Northern Neck Wireless said they adhered to the FCC devices and it very safe and studies were done.

Dr. Russell stated the board has approved approximately 13 or 14 poles over the last couple years. He has concerns about where the county is going he said he is in favor of and need high speed internet, but believes the board needs to think about what they are going to do in the long term.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the application for special exception by William Goodson to place an 80 feet data antenna/pole for wireless internet access on property described as Tax Map #21 80 A. This property is located at 2122 Iberis Road off VSH 604 Merry Point Road.

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

3. Lancaster Tavern/Castlerock II Enterprises, LLC – Application for Special Exception – Mr. Gill presented an application for Special Exception by Lancaster Tavern/Castlerock II Enterprises, LLC to operate a Bed and Breakfast on property described as Tax Map #15 86 and 15 87. This property is located on VSH 3 (Mary Ball Road) near Lancaster Courthouse, in District 2.

Mr. Gill said Article 5-1-6 of the Lancaster County Land Development Code permits a Bed and Breakfast use, with a special exception, in the R-1 Residential, General District. This is a prime example of the rejuvenation of existing buildings in the Courthouse area to a use that would have been consistent with the historical use of this property. The renovation includes a four-room Bed and Breakfast (two rooms upstairs above the restaurant and two rooms in the

adjacent building) and an increase in the restaurant capacity to sixteen tables. The attached preliminary site plan adequately addresses parking. VDOT approval of the commercial entrance and Health Department certification of the adequacy of existing septic are pending. Lighting and signage will conform to the zoning ordinance.

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

Mr. Gill said staff recommends favorable consideration contingent upon VDOT and Health Department approvals.

Mr. Geilich asked about the current construction being done at that location.

Mr. Gill said they have put decks on the outside and started renovation of both the buildings. The Board of Zoning Appeals granted a variance.

Chairman Geilich opened the public hearing.

Donald Spence and Brenda Jackson with Castlerock II Enterprise, LLC said they have one problem which is the concrete sidewalk, no knows who owns the sidewalk and they would like to replace the sideway which would go along with the in and out driveway. They will be using a New England town look. In the future they will put on a smaller deck to sit out and have coffee or while waiting for a table.

The board encouraged Mr. Spence and Ms. Jackson to make repairs to the sidewalk.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by Lancaster Tavern/Castlerock II Enterprises, LLC to operate a Bed and Breakfast on property described as Tax Map #15 86. This property is located on VSH 3 (Mary Ball Road) near Lancaster Courthouse contingent upon VDOT and Health Department approvals.

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

Mr. Palin made a motion to Approve the Application for Special Exception by Lancaster Tavern/Castlerock II Enterprises, LLC to operate a Bed and Breakfast on property described as Tax Map #15 87. This property is located on VSH 3 (Mary Ball Road) near Lancaster Courthouse contingent upon VDOT and Health Department approvals.

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

4. Application for Change of Zoning District Classification – Guy O. Franklin, Jr. and Judy B. Franklin, owners; Boys and Girls Club of the Northern Neck, contract purchasers – Mr. Gill presented the application for a Change of Zoning District Classification from A-2, Agricultural, General to R-1, Residential, General by Guy O. Franklin, Jr. and Judy B. Franklin, owners; and the Boys and Girls Club of the Northern Neck, Inc., contract purchaser for 3.564 acres described as a

portion of Tax Map #17-49. This property is located on VSH 614 (Devils Bottom Road), near its intersection with VSH 3 (Mary Ball Road), adjacent to Lancaster Primary School, in District 2.

Mr. Gill said the intent of this rezoning is to allow the Boys & Girls Club of the Northern Neck, Inc., who are contract purchasers of the property, to be able to construct a clubhouse and parking lot to facilitate the operation of their non-profit organization. Current zoning of A-2, Agricultural, General will not allow this use based on the modifications approved by the Board of Supervisors at its December 27, 2007 meeting. This is a case of “bad timing”. Had this proposal been presented prior to that December meeting of the Board of Supervisors, it would have been allowed by right. Since it was presented after that date, a rezoning to R-1, Residential General (which allows this type of club) is required.

Mr. Gill stated this request is considered reasonable and appropriate as there are other R-1 properties across the road (one improved with a church) and the location adjacent to the primary school is ideal for the coordination of after school programs. Preliminary plans include tying the club’s driveway into the proposed new bus loop at the primary school, which will allow busses to enter the club without accessing the state highway. A draft site plan and conceptual drawings of the building and floor plan are attached.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there have been two inquiries from the public, both in support of this rezoning.

Mr. Gill said the Boys and Girls Club, Inc. has requested a waiver of the rezoning fee of \$250 since their non-profit organization’s services will benefit the youth of Lancaster County and the fact that this request would have been allowed by-right a few days before the application was filed.

Chairman Geilich opened the public hearing.

Mr. Knull stated the Boys and Girls Club is an organization for character development and will serve all Lancaster County youth ages 6 – 18, hours of operation are set for 3:00 – 7:00 p.m. Monday – Friday, with an annual fee of \$20.00. They will be starting up and using the Lancaster Middle School beginning April 1, 2008. He said the septic and well has been approved and the land purchased and deed recorded. They have coordinated with the Lancaster Primary School to combine access with the new bus loop. That has been approved by the school board and they will share the cost. He said 89% of the funding for Boys and Girls Clubs comes from pass-through funding from Federal and State sources. The operating budget will be \$170,000 per year.

Mr. Jenkins said he received a letter indicating that the Friends of Lancaster County has endorsed the project.

Mr. Knull said the Boys and Girls Club does not want to use Devils Bottom Road as the address, if possible.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the application for Change of Zoning District Classification from A-2, Agricultural, General to R-1, Residential, General by Guy O. Franklin, Jr. and Judy B. Franklin, owners; and the Boys and Girls Club of the Northern Neck, Inc., contract purchasers for 3.564 acres described as a portion of Tax Map #17-49. This property is located on VSH 614 (Devils Bottom Road), near its intersection with VSH 3 (Mary Ball Road), adjacent to Lancaster Primary School.

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

Ernest W. Palin, Jr. Aye

Mr. Palin made a motion to Approve the waiver of the rezoning fee of \$250 because it is a non-profit organization.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	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 January 24, 2008, February 28, 2008, March 3, 2008, and March 19, 2008

Recommendation: Approve minutes

- B. Mutual Aid Agreement – Virginia Department of Conservation and Recreation

Recommendation: Adopt the resolution entering into a Law Enforcement Mutual Aid Agreement with the Virginia Department of Conservation and Recreation.

- C. Appointment of Don G. Gill as the Land Use Ordinances Enforcement Officer

Recommendation: Adopt the following resolution:

APPOINTMENT OF DON G. GILL

AS THE LAND USE ORDINANCES ENFORCEMENT OFFICER

WHEREAS, Mr. Don G. Gill has been appointed as the Director of Planning and Land Use for the County of Lancaster, Virginia; and

WHEREAS, the Director of Planning and Land Use is responsible for the enforcement and management of the various Land Use Ordinances of the County of Lancaster, Virginia.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors appoints Mr. Don G. Gill as Lancaster County's Zoning Administrator, Subdivision Agent, Chesapeake Bay Preservation Act Enforcement Authority, and Erosion and Sediment Control Ordinance Plan Approving Authority.

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors appoints the County Administrator as the Zoning Administrator, Subdivision Agent, Chesapeake Bay Preservation Act Enforcement Authority, Erosion and Sediment Control Ordinance Plan Approving Authority and County Planner in the absence of Mr. Don G. Gill, Director of Planning and Land Use.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	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 March 2008 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for March 2008 in the amount of \$196,500.76 and Invoice Listings for March 2008 in the amount of \$696,429.84.

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

2. Fourth Quarter, FY 2007-2008 Appropriation – Mr. Larson said the Board of Supervisors has directed the consideration of a fourth quarter appropriation for County and School Board operations.

Mr. Larson said to date, \$11,138.209 has been expended or transferred from the general fund for FY 2008, an amount within the limits of funds appropriated to date. Execution by fund administrators has been generally good. The Board has addressed a very few justified requests for supplemental appropriations. As the fourth quarter is executed, close attention will be paid to expenditure rates and remaining fund requirements to ensure that fund administrators take every possible action to execute within this final appropriation.

Mr. Beauchamp made a motion to Appropriate \$7,132,534 for fourth quarter (April 1, 2008 – June 30, 2008) FY 2007-2008 County and School Board operations.

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

3. Millburn Subdivision – Final Plat Approval – Mr. Gill stated in Section 3-7 of the Subdivision Ordinance requires that the preliminary and final plats for all subdivisions that are six lots or more be submitted to the Board of Supervisors for its approval or disapproval. Millburn Subdivision is in District 3.

Mr. Gill said this subdivision received preliminary plat approval at the August 2007 Board of Supervisors meeting, contingent upon VDOT approval of a traffic impact study. VDOT granted such approval on February 5, 2008 as certified and the final subdivision plat differs from the preliminary plat only in the creation of the central well lot from lot 1B and a boundary line adjustment between lots 2 and 3. These changes are permissible and the attached final plat checklist verifies that this plat meets all the requirements for final plat approval with the exception of the contingencies noted in the recommendation. It should also be noted that the smaller sized lots (approximately 20,000 sq. ft. permitted with the central water well) could be marketed at a price that may be viable for workforce housing.

Mr. Gill said staff recommends favorable consideration contingent upon 2 things: 1) The approval of the independent third party peer review of internal, private roads to ensure they were constructed as required by Section 5-19 of the Subdivision Ordinance, and 2) Provision of acceptable covenants for road and open space maintenance.

Mr. Geilich made a motion to Approve the Final Plat for the Millburn Subdivision contingent upon 1) The approval of the independent third party peer review of internal, private roads to ensure they were constructed as required by Section 5-19 of the Subdivision Ordinance, and 2) Provision of acceptable covenants for road and open space maintenance.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye

F. W. Jenkins, Jr. Aye
Ernest W. Palin, Jr. Aye

4. Sandy Point Subdivision – Preliminary and Final Plat Approval – Mr. Gill said in Section 3-7 of the Subdivision Ordinance requires that the preliminary and final plats for all subdivisions of six lots or more be submitted to the Board of Supervisors for their approval or disapproval. Sandy Point Subdivision is in District 5.

Mr. Gill stated Sandy Point Subdivision was reviewed for compliance with the Zoning, Subdivision, Chesapeake Bay Preservation and Erosion and Sediment Control Ordinances of Lancaster County. As evidenced by the attached checklists, this subdivision meets all the requirements for preliminary and final plat approval with the exception of those noted in the recommendation. VDOT has addressed traffic impact issues and approved the entrance to Black Stump Road as per a letter provided to each board member. Resource International, LTD has conducted a favorable independent, third party peer review of the design of the interior private subdivision road to ensure its compliance with Section 5-19 of the Subdivision Ordinance as per a letter provided to each board member. It should also be noted that if no further subdivision takes place on this property as indicated on the application, 48% of the total acreage would remain in open space.

Mr. Gill stated staff recommends favorable consideration contingent upon 2 things: 1) The posting of an appropriate performance bond as required by Section 5-2 of the Subdivision Ordinance to ensure proper construction of the interior private road, and 2) Providing acceptable covenants for road and common area maintenance.

Mr. Beauchamp made a motion to Approve the Preliminary and Final Plat for Sandy Point Subdivision contingent upon 1) The posting of an appropriate performance bond as required by Section 5-2 of the Subdivision Ordinance to

ensure proper construction of the interior private road, and 2) Providing acceptable covenants for road and common area maintenance.

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

5. Erosion and Sediment Control Program – Corrective Action Agreement – Mr. Pennell said over the past couple of months, Lancaster County has been dealing with a review by the Virginia Department of Conservation and Recreation (DCR) of its Erosion and Sediment (E&S) Control Program. He said as a result of that inspection a list of issues were raised and both Don Gill and Jack Larson assisted with working out details and resolution. There has been significant work done that a Corrective Action Agreement (CAA) has been proposed by the DCR. The board could authorize the county administrator to sign on its behalf and continue with the practice. The County Administrators of the Northern Neck have met a number of times during this process and both Westmoreland and Northumberland County Administrators have concerns about what is perceived to bit of a heavy handed approach by the State in this matter. According to Mr. Maroon’s letter no other county has chosen to default in this program, however, he has spoken with Gary Allen, Essex County Administrator, who has stated his Board of Supervisors authorized him to advertise a public hearing to pull out of the program.

Mr. Pennell stated one thing that disturbed him the most was the additional cost of the increased enforcement and staff time. As the board is aware, the State is very easy in assigning counties additional work without funding. He was very concerned with the cavalier approach when members of DCR stated it was not an unfunded mandate because the county could charge the citizens anything it wanted to run the program. There is a remarkable increase of cost in the amount of work that would be needed to run the program.

Mr. Gill stated he addressed his comments in a memorandum provided to Mr. Pennell that if we were forced to comply how we could do that effectively. The comprehensive review of our program in October 2007 we received sub-par grades in three out of four categories. The first issue, Program Administration, we need to make some minor changes to our E & S Ordinance. The second issue was Plan Review, they stated our files needed additional documentation to verify that plans meet the Minimum Standards and other guidelines set forth in the Virginia Erosion and Sediment Control Handbook. Mr. Sebra, Environmental Codes Compliance Officer, has developed a Plan Review checklist which he has already started including in our packages to help with that documentation. The third and most troubling issue was Inspections. Under the current law we are required to inspect each project every two weeks and with our staff that is not feasible. This would require an addition 1,645 man-hours which, in essence, is another position. We could comply under an Alternative Inspection Program which requires fewer inspections based on the use of the project. If the county continues to keep this program the Alternative Inspection Program would be a better route for the county. Under the Alternative Inspection Program the frequency of inspections are reduced by the use of the project and 83% of our projects are single family dwelling which requires the least amount of inspection. Most all of projects could be done with a beginning and ending inspection.

Mr. Gill stated he believes the county can comply with no additional manpower needed, by implementing an Alternative Inspection Program.

Mr. Pennell stated he is also troubled when the State imposes these unfunded mandates and then put in a penalty sanctions in the statutes.

Mr. Larson said he believes that Mr. Gill's opinion should weigh heavily, but certainly agrees with Mr. Pennell with respect to the business of a State

Agency dictating to us what we need to do and then imposing penalties which is nothing more than a different type of tax.

Mr. Beauchamp asked how the county could be in compliance with three of the requirement but receive an “A” for enforcement.

Mr. Gill stated the county has to receive of at less 70 to pass. We received about a 70 in enforcement, but below 70 in Plan Review, Program Administration, and Inspections.

Lee Hill, DCR Assistant Division Director for Stormwater Management responsible for overall administrative of the E & S Program, stated they modified their review in FY 05 when 100% was needed in each category. Mr. Maroon stated he did not believe localities could meet 100%. With the suggestion of Mr. Maroon and the Soil and Water Conservation Board, the criteria was reset to a minimum acceptable score of 70 to pass each category. The Corrective Action Agreement (CAA) proposed by DCR does not want to fine localities showing progress. He encouraged the Board of Supervisors to sign the CAA and DCR will work with the county to meet their requirements. There are two other issues to address, he said the concerns about the unfunded mandates the county could put together fees for the applicants. Secondly, by maintaining the program if the CAA is signed, if three of the four components are met he assured the board that fines would not be imposed. The benefits to the county for maintaining the program is that the county maintains control of land use decisions as they relate to E & S Control within the county. He assured the Board of Supervisors that DCR would work with the county to implement the CAA and provide the county with any technology assistance needed. He again encouraged the board to sign the CAA.

Mr. Geilich stated he received a copy of the letter dated March 24, 2008 from the county administrator, from DCR by fax at home, the next day the very same letter arrived via UPS from DCR which is a waste of money.

Mr. Gill stated Mr. Sebra and he attended the February 1, 2008 meeting of the Soil and Water Conservation Board and at that meeting it was mentioned that the Alternative Inspection Program becoming the norm, has anything come from that meeting?

Mr. Hill said what they are proposing is that requirements should state the inspection frequency. They would like to meet with the Soil and Water Conservation Board and propose to open up the E & S Control regulations and address that component and make the Alternative Inspection Program the first choice for localities.

Mr. Gill asked if the county would have to wait until 2009 to use the Alternative Inspection Program or simply need to be present it to the Soil and Water Conservation Board and have them approve it.

Mr. Pennell stated that the Lancaster County Board of Supervisors and Staff believe E & S Control Program is needed and a very important part of the protection of state waters. It is just the way it's being forced upon localities in a heavy-handed fashion.

Mr. Beauchamp said no matter how you look at it, this is an unfunded mandate. There are always things being passed down to rural counties for which there is no funding. The Delegates and Senators stated they did not raise taxes but they pass the necessity down to the localities.

Mr. Pennell offered that the Board of Supervisors can authorize him to sign the CAA, pursuant to Mr. Hill's assurances that DCR will not undertake a

heavy-handed enforcement policy, because the county can pull out at any time if necessary.

Mr. Beauchamp made a motion to Authorize the county administrator to sign the Corrective Action Agreement and continue the Erosion and Sediment Program and if the county can not comply with Corrective Action Agreement the county will advertise a public hearing to repeal the Lancaster County Erosion and Sediment Control Program ordinance and return management responsibility to the Soil and Water Conservation District.

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

6. Judicial Center Financing – Mr. Pennell stated on March 19, 2008, the Lancaster County Board of Supervisors heard a presentation from Davenport Investments and Sands Anderson regarding financing strategies for a new judicial center to relieve safety and space needs in the existing courthouse.

Mr. Pennell said with very low interest rates available on the financing market, particularly for municipal, bank-qualified borrowings, it is prudent to advertise a request for proposals to provide information by which the Board of Supervisors can make an informed decision on the construction of a new judicial center.

Mr. Pennell stated he will need some minimal guidance regarding which of the three strategies and for how many years the Board of Supervisors would like to advertise for this borrowing.

Mr. Pennell said the issuance of this Request for Proposal (RFP) will not be binding on the Board of Supervisors. Members can choose to completely ignore any response to the request.

Mr. Beauchamp made a motion to Adopt the Resolution authorizing the county administrator to have Davenport Investments prepare a Request for Proposals to lending agencies to determine loan interest rates on a \$7million borrowing to begin the financing arrangements for a new judicial center.

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

BOARD REPORTS

Rappahannock Community College Appointment

Mr. Geilich made a motion to reappoint Myra Palin to the Rappahannock Community College Board to represent Lancaster County for a four year term beginning July 1, 2008 and ending June 30, 2012.

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

COUNTY ADMINISTRATOR

Mr. Pennell said he received an invitation to Rappahannock Westminster-Canterbury for April 15, 2008 for the Boys and Girls Club of the Northern Neck.

Mr. Pennell stated there will be meeting at the Tides Inn on April 24, 2008 from 12:00 – 2:00 p.m. on Early Childhood Development.

Mr. Pennell stated he has received documentation from the highway department that the resurfacing of the Norris Bridge does not require a public involvement hearing and they will proceed with that under their rules.

Mr. Pennell said an audit was done by the Auditor of Public Accounts for Constance Kennedy, retired Clerk of the Circuit Court as it was turned over to Diane H. Mumford and was found satisfactory.

Budget Work Sessions

Mr. Larson stated the Board of Supervisors needs to schedule some budget work session in order to keep the public informed and he also provided the board members with information on boat taxes. He also provided the board members were a copy of the final draft of the School Board Budget.

Mr. Pennell stated the tax rate must be published in the Rappahannock Record by May 22, 2008. The public must be given a 30 days notice in years where there is a reassessment.

By consensus of the board, a budget work session will be scheduled for Wednesday, April 2, 2008 and Wednesday, April 9, 2008 both being held at 4:00 p.m. in the General District Courtroom.

Mr. Pennell stated he would like to invite Wiley and Wilson to the first budget work session to talk about the New Judicial Center.

CLOSED SESSION

Motion was made by Mr. Geilich to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are the recovery of county funds from the former Superintendent of Schools' final payout. The purpose of the closed meeting is to receive advice from the county attorney on the current status and possible action to recover county funds by conference call. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia, § 2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice).

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

RECONVENE

Motion was made by Mr. Palin reconvene open meeting and certification of closed meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on March 27, 2008 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Consultation with legal counsel, § 2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice) of the Virginia Freedom of Information Act;

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Dr. Russell to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further statement, Mr. Geilich called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn to the meeting until Wednesday, April 2, 2008 at 4:00 p.m. for a Budget Work Session in the General District Courtroom.

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