

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, May 31, 2007.

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  
William H. Pennell, Jr., County Administrator

Others

Present: Sean Trapani, Clifton Balderson, and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Joan McBride, Rappahannock Record; Starke Jett, Northumberland Echo and others.

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

**PUBLIC INPUT**

Bill Warren said approximately five months ago he asked the Board of Supervisors to consider funding for the Taylor's Creek Project in this year's budget as it grants access to the water. The board discussed the possibility of appointing community members to committees for water access sites. He wanted to know what progress had been made at this point.

Mr. Geilich informed Mr. Warren that two committees were appointed for both Westland and Taylor's Creek. The committees have met and varies recommendations

were made and in the process of being worked thorough. He assured Mr. Warren that there has been activity over the past five months.

Mr. Pennell stated the budget was still open and these is issues were Capital Improvement items.

Mr. Warren stated he was encouraged to know the water access projects were being working on and request that the board place these items on the agenda every couple of months, so that the public could be informed and be aware of the progress being made.

### **PRESENTATIONS**

None

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

#### **VDOT PUBLIC HEARING**

1. Discontinue a Portion of Route 222 in Weems – Mr. Trapani stated he received a letter from Mr. Benjamin M. Woodson, owner of the property at the terminus of Route 222, Weems Road, asking the Virginia Department of Transportation to discontinue a portion of the road from the end of the curb and gutter to the end of state maintenance.

Mr. Pennell said this request is to discontinue vehicular traffic on the short portion of Weems Road at the very end of the road. The title to the land will remain with the Commonwealth of Virginia and the Virginia Department of Transportation.

Mr. Pennell stated Mr. Woodson and the county have experienced unauthorized persons trespassing on this property at all hours of the day and night.

Some of these persons have illegally dumped materials into the waterway in violation of many state and county regulations thinking they are assisting Mr. Woodson with shoreline hardening.

Mr. Pennell and Mr. Woodson has offered to assist the highway department in obtaining sufficient space to construct a cul-de-sac at the new terminus of the road to assist motorists in turning around when they reach the end of the road. In its current configuration, motorists must trespass on Mr. Woodson's property to make this turnaround.

Chairman Geilich opened the public hearing.

Hearing no comments, Chairman Geilich closed the public hearing.

Mr. Geilich made a motion to Approve the Discontinuous of Portion of Route 222 in Weems from the end of the curb and gutter to the end of state maintenance.

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

VSH 646/Christ Church Road

Mr. Trapani stated the replacement of the drainage pipe on VSH 646/Christ Church Road and the road between VSH 200 and VSH 222 has been completed successfully. He said the pavement is a little rough, however; it will settle with time.

VSH621/Morattico Road

Mr. Trapani said at the end of VSH 621/Morattico Road the road has been widened and hopefully it will be paved soon.

#### VSH 632/Indiantown Road

Mr. Trapani said VSH 632/Indiantown Road has been graded and he hopes to get it paved sometime in July 2007.

#### Mowing/Maintenance

Mr. Trapani stated the mowing would be completed by Saturday, June 2, 2007 on the primary system and starting the secondary system. He said on the primary system alone the crew picked up almost 1,000 bags of trash prior to mowing.

#### VSH 3/Good Luck Road

Mr. Palin said there is a citizen who lives on the corner of VSH 3 and Good Luck Road and has always mowed the side of the ditch. He stated he can no longer mow the side of the ditch be VDOT put down gravel. He told the citizen he would inform VDOT.

#### Children At Play Signs

Mr. Palin stated at the corner of White Chapel and Lara Road the posted speed limited is 35 mph and asked VDOT if children at play signs could be erected in that area.

Mr. Trapani stated the county could purchase the signs and VDOT would erect the signs.

By consensus of the board, purchase the children at play signs and have VDOT erect them.

### Speed Study Request/Town of Weems

Mr. Beauchamp asked about the speed study on VSH 666/Benson Road in Weems.

Mr. Trapani said he submitted the speed study request, however; it has not been done yet.

### Traffic Light Study

Mr. Beauchamp asked about the progress on the traffic light study at the intersection VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road.

Mr. Trapani said the request for the intersection VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road was still being reviewed by the traffic engineers in Richmond.

### Rural Addition – Removal of Hunton Lane

Mr. Pennell stated he and Mr. Larson attended the annual meeting of the Hunton's Association and they are currently the number priority of the rural addition list. Because VDOT has changed some of its regulations, the Hunton's Association has requested they be removed from the Rural Addition list.

By consensus of the board, have the county administrator submit a letter to VDOT to have Hunton Association removed and update the Rural Addition list.

### **PUBLIC HEARINGS**

1. Amend Courtroom Security Fees – Mr. Pennell stated at the budget work session held on May 3, 2007, the Lancaster County Board of Supervisors directed the county administrator to advertise an amendment to Section 2-54 of the Lancaster County Code of Ordinances to impose a fee of \$10 on each defendant convicted of a criminal or traffic offense in any of the Lancaster County courts. Action by the 2007 Virginia General Assembly permits localities to increase their courtroom security fees from \$5.00 to \$10.00. These funds go towards protection of people in the courts.

Chairman Geilich opened the public hearing.

Mr. George Simmons made comments regarding hidden taxes.

Chairman Geilich closed the public hearing.

Mr. Jenkins made a motion to Adopt the Amended Courtroom Security Fee Ordinance increasing the fees from \$5.00 to \$10.00.

#### 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

2. Alexandria Police Youth Camp – Application for Special Exception (Individual Manufactured Home) – Mr. Geilich stated the application for a Special Exception by Alexandria Police Youth Camp to have a manufactured home on property described as Tax Map #29-14 which is located at the end of VSH 651, Bays Camp Road, near Kilmarnock, Virginia in Voting District 3.

Mr. Geilich said the applicants have requested to withdraw the application.

3. Highway Corridor Overlay Setbacks – Mr. Larson presented modification of Article 26-5 of the Zoning Ordinance for front yard setbacks to read as follows:

***Front yard within 2000 feet of an incorporated town:** 250 feet from the centerline of the roadway on existing two lane highways; or 125 feet from the centerline of the roadway on existing four lane highways. Where these setbacks cannot be met because of lot limitations, a buffering plan incorporating natural buffering will be provided to screen development from the affected corridor.*

***Front yard 2000 feet or more from an incorporated town:** 400 feet from the centerline of the roadway on existing two lane highways; or 250 feet from centerline of the roadway on existing four lane highways. Where these setbacks cannot be met because of lot limitations, a buffering plan incorporating natural buffering will be provided to screen development from the affected corridor.*

Mr. Larson said because of concern over having adequate measures to protect the rural character of the County, consideration of increasing the front setbacks within the Highway Corridor Overlay District began in June 2005. The Planning Commission forwarded recommendations to the Board of Supervisors in October 2005. At its October 27, 2005 meeting, the Board of Supervisors directed the Planning Commission to look at setbacks of as much as 800' but with consideration for larger signs along the road that would draw attention to any commercial development set that far back. Members of the Planning Commission as well as interested members of the public expressed an aversion to setbacks as great as 800' and larger signs. Further discussion followed at a joint planning meeting between the Planning Commission and the Board of Supervisors, and it was agreed that setbacks less than 800' could be considered. After considerable discussion, the setbacks proposed above were developed and put to a public

hearing. For the first time, separate setbacks were proposed depending upon the location of the property with respect to the limits of an incorporated town. While the Planning Commission members and interested members of the public in attendance at meetings agreed on the setbacks proposed above during discussion and consideration of the issue, the public hearing generated strong, widespread opposition that has only seemed to increase. The minutes of the March 15, 2007 meeting pertaining to the public hearing was provided to the Board of Supervisors for its review. Also given to the board was documentation submitted by Kendall Acors, the most vocal and visible opponent of the proposed setbacks.

Mr. Larson said the Planning Commission has forwarded this proposed modification recommending approval with a vote of 5-0.

Mr. Larson stated this public hearing of the issue has been advertised as required by law. To date, there has been no written input submitted to this office by interested members of the public. Several persons have indicated that they will attend this public hearing to oppose the proposed setbacks.

Chairman Geilich opened the public hearing.

Kendall Acors stated he has concerns about the Highway Corridor Overlay Setbacks and the way it was created. The Planning Commission did not put a lot of information out and appeared as though the Commission was holding a public hearing, but no one was listening. A number of citizens spoke and apparently the Planning Commission did not listen to any of the comments as they passed this item with a voted of 5 - 0 without any consideration. In the Comprehensive Plan there was mention that they will be more open and communication, he hopes that will be the case. There was a lack of planning is also a concern, Mr. Dawson asked how much land was involved and no one knew the answer to his question. Honestly, if you don't know how much land is involved, you probably don't know how it affects people. There was no plan for the tax revenue that would be

lost, because when you devalue this much land, there will need to be an adjustment, especially now because there is now a new assessment coming up. There would be an assessment on 39 miles of land that has been devalued. When dealing with 3,345 acres of land that would be restricted to farming and forestry only instead of potential building lots, which would amount to over \$33 million. There was no mention of the 5<sup>th</sup> Amendment clause about taking without due process or compensation. The 14<sup>th</sup> Amendment about equal protection under the law, if property is located on one of the three roads the property will be restricted and devalued if you go 400' off any of the side roads VSH 3, VSH 201, VSH 695. He said 400' back and a property with the same zoning designation retains all of its use and value, which is the lack of equal protection. The 10<sup>th</sup> Commandment there shall not covet thou neighbors' house...and because covet leads to stealing that brings us to the 8<sup>th</sup> Commandment, whereas taking \$33 million worth of property rights is stealing. He said the old Highway Corridor Overlay Setback is bad enough with 150' on 33.9 miles. If the board vote for this tonight as presented, the board would be ignoring property rights by treating private property as if it is commonly held land. With the amount of \$33 million worth of property and devalued property the county would be open to a class action lawsuit. The research was not done by the Planning Commission and the view was the only reason ever given. He asked the board not to approve the Highway Corridor Overlay Setbacks as presented.

David Evans has a half-mile of frontage on VSH 354 and asked the board to approve the amendments as presented. He said he and his wife were not just land owners but stewards of the land. He believes they owe it to themselves and future generations of Lancaster County to preserve the scenic and nature beauty of the county. He said on VSH 354 between Moracitto Road and VSH 200 in the last three years there has been three houses built very close to the road and if it continues that would devalue the property. He believes that type of development is an eye sore and devalues his property and other property throughout the county. If the county continues it will become another ugly spot development. The

county is losing its scenic and nature beauty. He asked the Board of Supervisors to pass the Highway Corridor Overlay Setbacks as presented.

Bruce Pflugradt said he grew up in Lancaster County, cradled in the Rappahannock River and loves this county. He stated he hates to talk about growth control, but objects to taking 400' of property to give to the state and burden the property owner to buffer at a cost and not be able to utilize that property. He said he owns 62 acres of property and if the board approves this 400' setback that would take away 28 acres of property from him. To take 400' from someone's front yard is just a bad idea. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Mr. Jenkins stated there is a setback exemption which allows development within the buffer. If a property owner does not have sufficient land to be able to build outside the 400' or 250' buffers, this exception is handled administratively by the Land Use Director.

William "Bill" Lee said he owns three pieces of property on VSH 3 and this 400' setback put a burden on the property owner who may have inherited the property. The property inherited may be just enough property to build a home for someone who may be struggling and not able to afford property a great distance off the main road or waterfront property. The next burden is the cost of the buffer which the county will not pay for and the cost to the property owner will be approximately \$3,000 to buffer the property in accordance with the ordinance. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

George Simmons said his family has been in Lancaster County since the 1600's and his property has been owned since 1840 by his family. It is amazing that the main goal thought of when the Planning Commission came up with the 400' setback was "aesthetics" and not to offend anyone that has to live a different level than others. So, property owners are pushed to the back of their property and

forced to put tree in front of the home, so other don't have to view the property on the way to their homes. He stated he is fortunate enough to live on waterfront property and a number of years ago the Bay Act was passed and that only requires a 100' setback from the water. If 150' from the road is not safe then certainly a 150' from the water is not safe. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Tommy Kellum said he is a lifelong resident of Lancaster County, business owner with approximately 100 employees and owns property on VSH 3 in Lively. He stated he sees someone that he respects and admires in Mr. Palin who was his teacher in school and as he looks around the room to see if there were anyone present that graduated with or before him and there is no one here. The reality is when you take up an adoption such as this, should someone purchase a piece on property on VSH 3, VSH 200 or VSH 354, they would have purchase more than one acre because they would have to build so far back on the property that adds to the cost of buffering. The Highway Corridor Overlay Setback mainly affects local people as you look at the properties involved. Having at 400' on the water in the 1970's would have been a great idea, but would have affected so many people who now have beautiful homes on the water, but what you are preparing to do on the opposite side, is when you come into the county, let's cover the homes with trees. He stated he lives on VSH 3 that may not be aesthetically pleasing to some, but he said "that is where I live with my family and he takes offense to the reason for the 400' setback". The Planning Commission was not thinking about the land owners or future land owners. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Anna Lee C. Haynie said she and her husband own about a half of mile of frontage on VSH 354 and are in opposition to the proposed 400' setback. She said 400' is approximately 1 ½ acres back off the highway. After reading the Highway Corridor Overlay Setback information, she said she did some research

and called the surrounding counties and they do not have restriction such as this in their counties. The setbacks changes of 400' are excessive and wrong. The only use for the 400' setback would be to farm it or raise trees. The property owner who has a small tract will be those who are mainly affected, as they will not be able to build on their property. She asked the board to consider those people and not to approve the Highway Corridor Overlay Setback as presented.

Donald Conaway said he is a former Board of Supervisors member for twelve years but is present at this meeting as a representative for himself and a community of people. As pastor of The Church of Deliverance in Lively located on VSH 3 there are plans for future development to the church and the 400' would truly affect those plans. The majority of people on VSH 3, VSH 354, and VSH 200 are people of low income who can hardly afford to pay their taxes. He wondered how the three roads were selected to be a part of the Highway Corridor Overlay Setbacks because he feels it was discriminatory. To purchase a home, put in and maintain a big buffer is a hardship for someone trying to purchase their first home. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Barbara Dietz said she appreciated Mr. Evans comments earlier, because she feels very strongly about preserving and protecting whatever we can in Lancaster County and the mentioned corridors. She said the Planning Commission has been taking comments and reviewing the Comprehensive Plan for well over a year. Lancaster County is a beautiful county and she does not wish to see it turn into Gloucester or Tappahannock. She stated she is a "come here" and cares about the aesthetics and maybe that sound a little trivial, but it is a one of a kind place and asks the board to approve the Highway Corridor Overlay Setbacks.

Ken Abrams stated he lives on VSH 354 in Litwalton and as Scout Leader he tries to teach young men that when they encounter unfairness or injustice,

speak out. This Highway Corridor Overlay Setbacks are wrong and infringe upon the rights of property owners. He said his property is 456' deep and this would restrict him to the use of a 20' wide portion in his back yard and that is unacceptable. The whole premise of the Highway Corridor Overlay Setbacks ordinance is wrong and unacceptable. The ordinance states "the visible elements require management to protect and enhance the character" and further state "no visible building should be unadorned, cinder block, or corrugated sheet metal", he stated these are the very buildings that gives this county character. The crab houses and farm building have been in the county for hundreds of years. He said they wish to preserve the character of the county, enforce the 100' no cut trees waterfront overlay zone. In twenty years and the short time the Bay Act has been enforced with that 100' setback zone, most of the homes built on the Corrottman River do not have trees between them and the river, where there were trees prior. If this ordinance is designed to serve and protect the character of the county, why not every road in the county? Be fair and apply this ordinance to every road in the county and the county would lose its tax base. He believes this ordinance is unjust and unfair and will use all his resources and if necessary file legal action to stop this ordinance. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Larry Dawson said he does not own a lot of property on VSH3 as most, but do own property. He gave an example of how he believes the Highway Corridor Overlay Setback would work on VSH 3 and asked how that would beautify Lancaster County. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Brandt Eudy said he own seven acres on Old Salem Road which fronts VSH 3, whereas the front two lot are restricted to commercial zoning and rest agricultural. If this setback is approved he would not have any commercial property, therefore devaluing the property and he is upset. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Tom Thompson said he purchased property in Lancaster County in November 2006. He asked the board to listen and consider all the comments presented at this meeting and not to approve the Highway Corridor Overlay Setback as presented.

Dave Peresluha said he own property in Lively and the idea to take away property rights from people in this manner is wrong. He lived here for 30 years and has seen some of the most beautiful homes built on the road, in White Stone. He has seen the smallest house that anyone could ever live in, houses with tin roofs, barns and out buildings which are a part of the character of Lancaster County. He said it's wrong for the county to try and restrict the use of property and asked the board not to approve the Highway Corridor Overlay Setback as presented.

Bob Sowder said he is in opposition to the proposed setbacks, as he is trying to protect his Trust, keep the highway corridor open and he can accomplish both. The use of cluster development would work, but with this ordinance it takes away an initiative for people to be creative who can afford to be creative. If someone's property was destroyed, could the property owner re-build with the restrictions of this ordinance? Lancaster County citizens take pride in the property, its upkeep and beautification. In order for the American Dream can remain for everyone, he doesn't care what anyone says, a farmer or family life time investment is the land.

Thomas Kellum asked the Board of Supervisors how the Highway Corridor Overlay Setbacks affects the Lively Commercial Overlay.

Mr. Jenkins said as it is worded there would be a number of amendments and the first would be that any Village Overlay designation be included as the same as an incorporated town.

Mr. Larson said as it reads in Paragraph 26-5 of the zoning ordinance, it would be exempt.

Jeff Chase stated he has lived in this county all his life and opposes the proposed 400' setback. He said as the Board of Supervisors listens to the county citizens, all but two are in opposition of this ordinance. As stated, the county needs service people such carpenters, plumbers, electricians, etc. and what this ordinance does is makes it much more difficult for that category of people to have a home without a lot of unnecessary restrictions. One would have to go to the Garden Club of Virginia to do all the buffering, meaning someone will have to tell the property owner what needs to be planted and then how its to be kept up, when the person may only be able to afford to build a house. As far as those individuals who have a problem with looking at a persons home, to pack up and get out of Lancaster County.

William Headley said he is a life long resident of Lancaster County, has worked all his life and continues to work. He will not retire from a big fancy job and he works to keep up his building as the rent on that property will be his retirement fund. If someone wanted to purchase his property they could have it, however; no one will purchase the property with all the restrictions being placed on it. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Ella Davis said her house is located on 3 ½ acres of property on VSH 3 and recently purchased 1 ½ acre which is separate. She said if she understands what's being proposed, the 1 ½ acre will not be usable property. Planting the buffer will be costly, does the county contribute in any way?

Jeff Brown said he is not just in opposition to the buffering but the whole process. He asked the board not to approve the Highway Corridor Overlay Setback as presented.

Billy Franklin said he has 39 acres of property on VSH 3 and the proposed setbacks are not good for the county. If it ain't broke, don't fix it.

Antoinette Beane Montag stated her family owns a lot of land in Lancaster County and has been here since 1843. She said she moved to Connecticut and came back home because she wanted to hear the crickets and see the stars. This proposed setback takes away her heritage and land. She asked the board not to approve the Highway Corridor Overlay Setback as presented.

Chairman Geilich closed the public hearing.

Mr. Beauchamp stated he has had concerns with the 400' and 250' setback from the start.

Mr. Palin said most of VSH 3, VSH 354, and VSH 200 is in District 2. He has been hearing a lot of frustration and concern from not only the citizens in District 2 but county-wide. He stated he has been listening and understands the frustration and concern. He thought that the original concept behind the 400' setback was for businesses. As a board member he believes the Board of Supervisors should let this issue go and return it back to the Planning Commission for further consideration.

Mr. Jenkins stated he would have to agree with his fellow board members and said this is a much larger package that requires more research. He is not sure how the mentioned corridors were chosen. He does not want to abandon the Highway Corridor Overlay Setbacks, because the initial reason for the setbacks was to preserve farmland and the second purpose was to prevent the sprawl that

ultimately will come particularly along the VSH 3 corridor as land property inside the Commercial Hub which is now Kilmarnock, increases as a result of very large development. There is a good possibility that there will be a lot of pressure to march down VSH 3 and it may start more quickly than we like. Maybe the debate would be, do we want to prevent that type of development or just let it come as the market forces will generate. What is clear, if we are asking tax paying citizens who have that property to give up future higher uses, we would have to talk about tax abatement and compensate those property owners who give up future higher use of their land. Would we be empowered by the Code of Virginia that should we set a buffer on commercial development, do we have the right to offer compensation to those owners for not allowing them to petition to have their agricultural land rezoned commercial and get a tax abatement. This is something coming from the Comprehensive Plan, but the input of the people is needed.

Dr. Russell said he is not sure where we are going with this because Mr. Jenkins stated originally the setbacks were to preserve farmland and the second purpose was to prevent the sprawl. There an old saying, “if you don’t know where you are going, you may end up some place else”. It appears as if we are punishing a lot of people and confusing the issue of scenic beauty with rural character. He agrees with his fellow board members this has to be reviewed in greater detail and come up with something better than what has been presented.

Mr. Geilich stated he was not prepared to vote on the Highway Corridor Overlay Setbacks as presented.

Mr. Jenkins made a motion to table the Highway Corridor Overlay Setbacks and schedule public work sessions and not passing anything until after there is another public hearing.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye

B. Wally Beauchamp	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Nay

Mr. Palin stated when the public work sessions are scheduled that is the most important time for everyone to show up and voice their concerns, as constructive suggestions are needed.

**CONSENSUS DOCKET**

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

- A. Minutes for April 5, 2007, April 12, 2007, April 26, 2007, May 3, 2007, and May 14, 2007

Recommendation: Approve the minutes.

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 May 2007 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for May 2007 in the amount of \$180,088.73 and Invoice Listings for May 2007 in the amount of \$577,689.83.

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

2. Exception to Road Standards – Mr. Larson stated the Modification of Article 5-9(e) of the Subdivision to read:

*The use of an access way from a state maintained road **with an unobstructed width of at least 20’ and an unobstructed vertical clearance of 14’** may be established to serve a maximum of three lots.*

Mr. Larson said at the March 29, 2007 meeting, the Board of Supervisors approved a private road exception subject to specific requirements pertaining to standards, approval, and notification to prospective purchasers of property served by the private road. It was also proposed that an exception be granted from both VDOT and private road requirements for subdivisions of three or fewer lots. The proposed modification to paragraph 5-9(e) was not approved by the Board of Supervisors because the words, “narrow access way” were not specific. Staff was directed to consult providers of emergency services as to a recommended acceptable width. No such recommendation was forthcoming. Therefore, the proposed dimensions were drawn from the 2003 International Fire Code, Section 503.6, Fire Apparatus Access Roads. The vertical clearance proposed is considered as important as an acceptable width.

Mr. Jenkins made a motion to Approve the Exception to Road Standards Modification of Article 5-9(e) of the Subdivision to read:

*The use of an access way from a state maintained road with an unobstructed width of at least 20’ and an unobstructed vertical clearance of 14’ may be established to serve a maximum of three lots.*

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

3. Northern Neck Rural Transportation Committee – Mr. Pennell said he received a letter from Jerry Davis, Executive Director, Northern Neck Planning District Commission, which asked the Lancaster County Board of Supervisors to appoint a representative to the recently formed Northern Neck Rural Transportation Plan, Technical Advisory Committee. The Rural Transportation Plans are being required for all rural regions by the Virginia Department of Transportation and will be used, along with Metropolitan Planning Organization Plans, to update and develop the Statewide Transportation Plan.

Mr. Palin made a motion to Appoint William “Lewis” Lee to the Northern Neck Rural Transportation Plan, Technical Advisory Committee.

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

4. Outstanding Medical Claims Expenditures – Mr. Pennell stated when the county terminated its contract with American Benefits Administrators for employee

health insurance, the company stopped making payments for services that had already been rendered to individuals on the plan. The Board of Supervisors asked VACorp, the firm now managing the county's Southern Health Insurance, to negotiate final payments for each of the providers who have not yet been paid.

Mr. Pennell said VACorp had utilized its staff to negotiate final payments for the outstanding invoices that fall within the scope of the negotiated benefits that it uses for Southern Health's current clients. This negotiation resulted in a savings of \$4,317 from the original charges.

Mr. Pennell asked the board to authorize a supplemental appropriation of \$22,086 to provide funding to settle these accounts with medical service vendors for county employees. Also, ask the county attorney to examine the contract and ABAS' failure to pay for pending claims to determine if there is a cost-efficient avenue of requiring ABAS to pay for services rendered prior to the December 1, 2006 termination date.

Mr. Geilich made a motion to Approve a supplemental appropriation of \$22,086 to settle the account with medical vendors for county employee and follow up with the County Attorney.

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**

### **Appointments**

Mr. Geilich made a motion to recommend to the Circuit Court Judge the reappointment of Ralph Baylor to the Board of Zoning Appeals to represent District 3.

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

Mr. Geilich made a motion to appoint Wayne Cannon to the Wetlands Board to represent District 3.

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

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell informed the board that the county now has a john boat, which was purchased with Homeland Security funds.

Mr. Pennell stated the county received the renewal rates from Southern Health Insurance and the proposed rate increase for this year is 9.9%.

### **ADJOURNMENT**

Motion was made by Mr. Palin to adjourn the meeting until Thursday, June 7, 2007 at 9:00 a.m. for a Board 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