

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building of said county on Thursday, February 24, 2011.

- Members Present:    B. Wally Beauchamp, Chair  
                              F.W. Jenkins, Jr., Vice Chair  
                              Ernest W. Palin, Jr., Board Member  
                              Peter N. Geilich, Board Member  
                              Jack S. Russell, Board Member
- Staff Present:         William H. Pennell, Jr., County Administrator  
                              Jack D. Larson, Assistant County Administrator  
                              Don G. Gill, Planning and Land Use Director

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

**PUBLIC INPUT**

None

**PRESENTATIONS**

1. Resolution Commemorating the Life of Lorena Dobyngs Conner – At the January 27, 2011 regular monthly meeting of the Lancaster County Board of Supervisors, the county administrator was directed to prepare a resolution commemorating the life and service of Mrs. Lorena Dobyngs Conner as a former Lancaster County Commissioner of the Revenue.

Mr. Pennell read the following resolution:

**IN MEMORY  
LORENA DOBYNS CONNER**

**WHEREAS**, Mrs. Lorena Dobyms Conner was born in Monaskon, Lancaster County Virginia; and

**WHEREAS**, Mrs. Lorena Dobyms Conner began working in the Office of the Commissioner of the Revenue in 1955; and

**WHEREAS**, Mrs. Lorena Dobyms Conner was the first woman appointed as a Deputy Commission of the Revenue and later the first woman elected as Lancaster County Commissioner of the Revenue

**WHEREAS**, Mrs. Lorena Dobyms Conner was involved professionally, socially, and culturally in all aspects of Lancaster County life; and

**WHEREAS**, Mrs. Lorena Dobyms Conner willing gave her assistance and compassion to all who knew her; and

**WHEREAS**, Mrs. Lorena Dobyms Conner passed away on January 25, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Lancaster County Board of Supervisors gratefully remembers the life and service of Mrs. Lorena Dobyms Conner, and

**BE IT FURTHER RESOLVED**, that the Lancaster County Board of Supervisors offers its heartfelt sympathy to the family of Mrs. Lorena Dobyms Conner at the loss of their sister, mother, grandmother and great grandmother.

Mr. Jenkins made a motion to adopt the Resolution Commemorating the Life of Lorena Dobyms Conner and presented the resolution to her daughter Anita Tadlock.

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

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

VDOT Blueprint for the Future

David Brown, VDOT Residency Administrator for the Northern Neck said with the blueprint program came some restructuring within VDOT departments and roles were shifted. He provided the Board of Supervisors with a copy of the VDOT Blueprint for Our Future booklet which included the communications call list for the Fredericksburg District. As Residency Administrator he will still serve as liaison by coordinating, prioritizing and communicating with county staff and boards on the development of the secondary six-year program and annual secondary road budget. He will attend the Board of Supervisors meeting as needed.

Mr. Brown stated he knows that this board has a good working relationship with Robert Harper and hopes it will continue.

Mr. Beauchamp said Mr. Brown should continue to correspond directly with Mr. Pennell on any issues or pending matters.

VSH 611/West Point and VSH 604/Merry Point Road Speed Study Request

Mr. Palin requested a speed limit study for VSH 611/West Point Road and VSH 604/Merry Point Road because there is a sharp curve and when residents pull out from their driveway a car will be right on their bumper. The current speed limit is 55 mph.

VSH 641/Mosquito Point Road Speed Study Results

Mr. Beauchamp asked about the results of the requested speed study for Mosquito Point Road.

Mr. Brown stated the section between VSH 695/Windmill Point Road to VSH 642/ the recommendation is to leave it at the current 55 mph and on the section one mile south VSH 695/Windmill Point Road the recommendation on that was to leave it at the current 45 mph.

**PUBLIC HEARING**

None

**CONSENSUS DOCKET**

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

A. Minutes for January 27, 2011

Recommendation: Approve minutes as submitted

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

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of February 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for February 2011 in the amount of \$223,484.74\* and Invoice Listings for February 2011 in the amount of \$716,374.50\*.

\*Judicial Center Expenses \$63,403.60

\*Capital Improvements \$191,350.91

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

2. Request for Exemption of Real Estate and Personal Property Tax – Mr. Pennell said Ms. Peggy P. Garland, Secretary, Historic White Marsh Church, Incorporated has asked the Board of Supervisors to schedule a public hearing required by §58.1-3651 of the Code of Virginia for consideration of an exemption of real estate and personal property taxes for a property owned by this charity at 11040 Mary Ball Road, Lancaster, Virginia.

Mr. Pennell stated this matter has been continued from the January 27, 2011 regular monthly meeting at the request of the petitioner.

Peggy Garland, Secretary to the Board of Historic White Marsh Church, Incorporated, said they are requesting exemption of real estate and personal property taxes because they are a church. She said White Marsh Church was formed on September 17, 1792 and this is the oldest Methodist Church in the Northern Neck and very likely in Virginia. The building was built in 1848. The Virginia Methodist Conference was unable to continue to maintain the building and in 2002 gave the church to the board to do as it will. Since the board has

taken over the building, it remains a place of worship, but they only do special services such as Christmas, Easter, July 4<sup>th</sup>, Labor Day. The building needs renovation and the board will maintain it. They currently maintain the cemetery and there are still spaces available. They will be having a Bluegrass Concert in March to raise money for renovation. The church is available for weddings and funerals. The Code of Virginia states any church or religious organization, religious domination operated exclusively on a non-profit basis, for charitable, religious or educational purposes is hereby classified as religious or charitable organization. She said a church is a church. They will remain a place of religious worship. She said this is the only historic church in Lancaster County not exempt from taxes.

Mr. Pennell stated a church is statutorily exempt from real estate and personal property taxes and asked why her board was making the request for an exemption.

Ms. Garland stated because they have paid taxes and currently paying taxes.

Mr. Pennell asked Ms. Garland if she and/or her board communicated with George Thomas, Commissioner of the Revenue.

Ms. Garland stated she was told the board needed to submit their request to the Board of Supervisors.

Mr. Pennell says if you are a church, your status is covered in the Code of Virginia.

Mr. Jenkins said because the Virginia Methodist Conference turned the church over to a private organization could be the reason they loss their tax exempt status.

Mr. Pennell stated he would assist Ms. Garland if she wishes to meet with George Thomas, Commissioner of the Revenue to resolve this issue.

3. Bond Release – RAKS Sports Bar Restaurant – Mr. Gill has received a request for the release of the bond issued for the Pump and Haul Septic Disposal at the now closed RAKS Sports Bar Restaurant located adjacent to Quarles Convenience Store in the Lancaster Courthouse area in District 2.

Mr. Gill stated at the April 30, 2009 Board of Supervisors meeting, the board approved, with a \$1,000 bond and three-year renewals, the pump and haul septic disposal requested by Karen C. Ray and Ronnie Cutting, who were renting this property for their restaurant, RAKS Sports Bar, located in the Lancaster Courthouse area. The restaurant has ceased operations and Ms. Ray and Mr. Cutting have requested that the bond be released.

Mr. Jenkins stated any future occupant would have to come back to the Board of Supervisors for a pump and haul septic disposal bond.

Mr. Palin made a motion to Release the Bond for RAKS Sports Bar Restaurant in the amount of \$1,000 and have the Building Official declare the structure to be unfit for human occupancy until such time as appropriate septic disposal arrangements are made.

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

4. Lancaster Middle School Emergency Generator Upgrade Project – Mr. Larson stated Lancaster County solicited bids for the Lancaster Middle School Emergency Generator Upgrade Project. The county received a total of five proposals. Mosby West, P.E., the Project Engineer and Scott Hudson, Chief of Emergency Services conducted reviews of each proposal. The following were the results of the bidding process:

Paul A. Ryan, Inc. (Wicomico Church)	\$129,254.00
Northern Neck Generator (Kilmarnock)	\$137,582.55
Harris Power & Equipment (Yorktown)	\$153,300.00
Master Electrical Services, LLC (Richmond)	\$154,805.00
J. Sanders Construction Company (West Point)	\$182,780.00

Mr. Larson stated after Mosby West, P.E., the Project Engineer and Scott Hudson, Chief of Emergency Services reviewed the bids, it is their recommendation that the county reject all bids that were submitted since they all exceed the capital improvement funds reserved for the project and would like the Board of Supervisors to authorize the County Administrator to conduct further review of the generator needs and begin a new bid process.

Mr. Geilich made a motion to reject the Bids for the Lancaster Middle School Emergency Generator Upgrade Project since all bids exceed the capital improvement funds reserved for the project and authorize the County Administrator to conduct further review of the generator needs and begin a new bid process.

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

5. Ambulance Billing – Mr. Larson said staff has made the determination that Lancaster County would be better served by doing ambulance billing in-house within a pooling arrangement with other localities and managed by the Northern Neck Planning District Commission.

Mr. Larson stated it is increasingly the experience of localities in this area that the quality of service of ambulance billing organizations is universally poor. As an example, significant revenues are being lost because of a failure to follow up on Medicare denials. It is anticipated that start-up funding can be recovered within three to four years and that better service at a lower cost can be obtained immediately. The Boards of Supervisors for two of the four participating counties have approved the Memorandum of Understanding (MOU). The Richmond County Board of Supervisors has continued action until its March 2011 regular meeting.

Mr. Larson said the County Attorney has reviewed the Memorandum of Understanding. After legal review he sent back a new agreement and document in a new format which is an Intergovernmental Agreement that has been provided for the Board of Supervisors review. The new agreement gives more clarification. The other three counties (Westmoreland, Essex, and Richmond Counties) will need to review because it is a whole new document. The start up cost will remain the same which is \$100,000 split between the four counties.

Mr. Jenkins made a motion to approve the Intergovernmental Agreement for ambulance billing services to include a commitment of \$25,000 as Lancaster County's share of start up costs.

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

**BOARD REPORTS**

2011 Redistricting Committee

Mr. Jenkins made a motion to appoint Weston F. Conley to the 2011 Redistricting Committee representing District 1.

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

Dr. Russell made a motion to appoint Joseph Curry and Lindsay Gardner to the 2011 Redistricting Committee representing District 4.

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

Mr. Beauchamp made a motion to appoint Jeff Szyperski to the 2011 Redistricting Committee representing District 5.

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

Mr. Palin made a motion to appoint William “Lewis” Lee and Cornell M. Jackson to the 2011 Redistricting Committee representing District 2.

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

**COUNTY ADMINISTRATOR**

None

**CLOSED SESSION**

Motion was made by Mr. Jenkins 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 is Personnel Matters, §2.2-3711.A.1 of the Code of Virginia and Investment of Public Funds, §2.2-3711.A.6 of the Code of Virginia. The purpose of the closed meeting is to discuss the assignment of an employee and a contract wherein bargaining is involved. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.1 of the Code of Virginia, (the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of an employee) and §2.2-3711.A.6 of the Code of Virginia, (competition or bargaining is involved and public disclosure initially would adversely affect the financial interests of the governing body).

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

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel matters for the purpose of the assignment of an employee in accordance with §2.2-3711.A.1 of the Code of Virginia and for the Investment of Public Funds where bargaining is involved and public disclosure initially would adversely affect the financial interests of the governing body in accordance with §2.2-3711.A.6 of the Code of Virginia;

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

This certification resolution is adopted.

**ADJOURNMENT**

Motion was made by Mr. Geilich to adjourn.

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