

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building of said county on Thursday, March 31, 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

Nick Ferriter stated he lives on Greenvale Creek and there is a problem at the mouth which will affect the county boat ramp as well as the residents who live on Greenvale Creek. He said a sandbar has developed at the mouth and, while the water appears to be deep in the channel, the width of the channel is restricted. He said he is hoping that interested parties including the county come together hopefully get this issue resolved.

Milton Conrad said he has lived on Greenvale Creek all his life and last year the creek was dredged and the spoil was placed just up river from the mouth. We had a 60' channel that is now down to a 16' channel. He stated there is a contractor who will take the sand out for \$20,000 (1,000 cubic yards) and transport it to a spoil disposal site. If not, the channel will be blocked completely and the public ramp will not be used. He said he has talked to the Army Corps of Engineers and they stated there is no money available for additional dredging. At this point the citizens and/or county have to figure

out some way to get the channel fixed or try to get Game and Inland Fisheries to help, it is the only public landing the county has and the ramp has been helpful to all citizens who use it.

Mr. Beauchamp asked what the average depth was.

Mr. Conrad said from the buoy to the sandbar it is six to eight feet, beyond the buoy up the creek six to eight feet.

Mr. Pennell stated he has spoken to the Army Corp of Engineers and has an up-to-date survey. There is a similar situation in Middlesex and there is a senior level supervisor with the Corps of Engineers and some of his staff who would like to come here to meet with interested parties; however, can not come until May and Mr. Conrad believes that may be too late. The channel is deep but the width is the major concern.

Mr. Jenkins asked if there was a problem with wetlands.

Mr. Conrad said there was grass on the upper end of the 1000' which was grass he has never seen before and by July the grass was gone. They had \$38,000 left to use from the dredging of the creek, but money went back to general funds.

Mr. Ferriter said if the sand is removed altogether, the grass will not be an issue.

Mr. Conrad said there are 27 houses and 3 businesses on Greenvale Creek and they will try to raise some money to have the work done.

Mr. Beauchamp asked Mr. Pennell to continue to work together with interested citizens and others to get this issue resolved.

PRESENTATIONS

1. Lancaster High School 2011 Boys Basketball Team Resolution – Mr. Pennell stated the Lancaster High School Boys Basketball Team has an extremely successful year during 2010-2011. The young men were Group A, Division 2 champs and made it to the final four playing at the VCU Siegel Center.

Mr. Pennell said Tim Rice, Head Coach of the basketball team is available to say a few words regarding his team.

Mr. Beauchamp made a motion to adopt the following resolution commending the Lancaster High School Boys Basketball team:

**LANCASTER HIGH SCHOOL
2011 BOYS BASKETBALL TEAM**

WHEREAS, the 2011 Lancaster County High School Boys Basketball Team was the 2nd Place finalist in the Northern Neck District; and

WHEREAS, the 2011 Lancaster County High School Boys Basketball Team was celebrated as the Region A, Division 2 Champs; and

WHEREAS, the 2011 Lancaster County High School Boys Basketball Team set a school record by winning the first state tournament game in the Group A, Division 2 division; and

WHEREAS, the 2011 Lancaster County High School Boys Basketball Team made it to the final four (semi-final) game at the Virginia Commonwealth University, Siegel Center.

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors commends the following members of the 2011 Lancaster

County High School Boys Basketball Team; Michael Coleman, Craig “CJ” Shephard, James Walters, Tyler Colding, Taj Smith, Aaron Manning, Gregory McCray, Melvin Gregory, Joseph “Tay” Betts, Brandon Morris, DeAnte Jones, Johnmall Jenkins and Dalton Moore for their hard work and successful year; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors commends Lancaster County High School Boys Basketball Team Coaches; Tim Rice (head coach) Wayne Carter, Bill Young, Troy Henderson, Tyrell Veney and Malcolm Carter (assistant coaches), for their commitment to and leadership of the basketball team.

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| 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

Johnson Grass Concerns

Mr. Harper said they treat Johnsongrass by spraying it twice a year, prior to each mowing cycle to kill it before mowing. It is usually done in the spring and summer on both the primary and secondary highways.

Road Paving and Maintenance

Mr. Harper stated Surry Pavers are set up to do 11½ miles of latex on secondary roads and should be finished by mid-April if weather permits.

Mr. Harper said Lee Hy Paving will be moving in to perform work on the east bound lanes between Kilmarnock and White Stone. They will also be doing on the entire width of VSH 646/Old Salem Road. They will also mill and repave the entire section of Irvington Road from Tri-Star to Harris Drive.

Route 789/Hadlea Drive

Mr. Geilich said he believes that Route 789/Hadlea Drive was first priority on the pave in place list for this year and asked him to check on the status of this project.

Mr. Pennell said Hadlea Drive does not meet the car count of 50 vehicles per day; therefore, Route 777 will jump to the top of the list.

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

Mr. Palin asked about the request he made for a speed limit study for VSH 611/West Point Road and VSH 604/Merry Point Road at the sharp turn.

Mr. Harper stated he has not been given any information on the request, but will check.

Lara Road Concern

Mr. Palin requested that VDOT check the roadway at 3996 Lara Road, he said when it rain there was erosion under the pavement.

Six Year Plan Public Hearing Scheduled

Mr. Pennell stated it's time to schedule the Six Year Plan public hearing and asked the board to schedule the public hearing for the next regular Board of Supervisors meeting which will be April 28, 2011.

By consensus of the Board of Supervisors the Six Year Plan public hearing will be held on April 28, 2011 at the regular Board of Supervisors meeting.

PUBLIC HEARING

1. Ambulance Billing Ordinance and Agreement – Mr. Larson stated at the February 24, 2011 regular meeting, the Board of Supervisors was presented with an agreement drafted by the County Attorney for a joint agency and supervisory board to conduct ambulance billing services for the counties of Lancaster, Essex, Richmond, and Westmoreland. The Board approved this agreement. Subject to approval of the agreement by the other affected counties, it was the intent to proceed with implementation.

Mr. Larson said subsequent to the February meeting, we were advised by the County Attorney, that §15.2-1300.1 of the Code of Virginia required that agreements such as this be approved by ordinance. The public hearing of this ordinance has been advertised as required by law. To date there has been no input from the public.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to approve the following ordinance authorizing the formation of a joint entity, to be called the Emergency Ambulance Service Revenue Recovery Board (EASRRB), between the counties of Essex, Lancaster, Richmond and Westmoreland, Virginia, and bestowing on such entity all powers necessary and proper for the performance of the purpose of creation and oversight of the Regional Ambulance Billing Program, and further approving an Intergovernmental Agreement between the counties and the Northern Neck

Planning District Commission for the establishment and administration of a Regional Ambulance Billing Program.

**AN ORDINANCE AUTHORIZING THE FORMATION OF A JOINT ENTITY,
TO BE CALLED THE EMERGENCY AMBULANCE SERVICE REVENUE RECOVERY BOARD (EASRRB), BETWEEN THE COUNTIES OF ESSEX, LANCASTER, RICHMOND AND WESTMORELAND, VIRGINIA, AND BESTOWING ON SUCH ENTITY ALL POWERS NECESSARY AND PROPER FOR THE PERFORMANCE OF THE PURPOSE OF CREATION AND OVERSIGHT OF A REGIONAL AMBULANCE BILLING PROGRAM, AND FURTHER APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTIES AND THE NORTHERN NECK PLANNING DISTRICT COMMISSION FOR THE ESTABLISHMENT AND ADMINISTRATION OF A REGIONAL AMBULANCE BILLING PROGRAM**

WHEREAS, in order to protect and ensure the health, safety and welfare of their citizens, the Counties of Essex, Lancaster, Richmond and Westmoreland (the “Counties”) provide support and funding to various ambulance service providers operating in their respective jurisdictions; and,

WHEREAS, the Counties have been utilizing the services of private sector companies for ambulance billing services, each jurisdiction paying between 6% and 8% of their total monthly collections for these services; and,

WHEREAS, the Counties believe that the creation of an in-house regional billing program, operated by the Northern Neck Planning District Commission (NNPDC), will enable the Counties to lower administrative costs, improve service for area residents utilizing ambulance services, and increase the success rate of collections through cooperation with local treasurers; and,

WHEREAS, the Counties believe that the creation of such regional billing program will ultimately make more funds available for local ambulance services through greater revenue recovery; and,

WHEREAS, Va. Code § 15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, after a public hearing duly advertised in accordance with § 15.2-1427 of the Code of Virginia, 1950, as amended, the Lancaster County Board of Supervisors has determined to form a joint entity along with the other Counties, such entity to be designated as the Emergency Ambulance Service Revenue Recovery Board (EASRRB) for the purpose of overseeing the creation and administration of the regional billing program; and,

WHEREAS, the NNPDC has agreed to act as fiscal agent for the EASRRB and provide day to day operations and management of the regional billing program; and,

WHEREAS, the creation of a joint entity will permit the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the Counties.

NOW THEREFORE, the Board of Supervisors of the County of Lancaster hereby approves the creation of the EASRRB to exercise such powers and duties as set forth in the Intergovernmental Agreement, Ambulance Billing Services (the "Agreement") which is attached hereto and made a part of this Ordinance, and such other powers and duties as may be incidental to the activities set forth therein or as may be hereafter agreed to and authorized by each of the Counties by joint resolution; and further Approves the execution of the Agreement and Authorizes the Chair of the Board of Supervisors to execute the Agreement on behalf of the County.

This Ordinance shall be effective immediately

ROLL CALL

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

2. Application for Special Exception – Charles L. and Brenda R. Elbourn – Mr. Gill presented an Application for Special Exception by Charles L. and Brenda R. Elbourn to place an 80 foot data antenna/pole for wireless Internet access on a 1.085-acre parcel described as Tax Map #36-90A. This property is zoned R-1, Residential General and is located at 4300 Windmill Point Road in District 3.

Mr. Gill said 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 antenna/pole. It has the potential to serve many homes in this area along Windmill Point Road.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, staff has received one telephone call from the public for additional information.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to approve the Application for Special Exception by Charles L. and Brenda R. Elbourn to place an 80 feet data antenna/pole for wireless Internet access on a 1.085-acre parcel described as Tax Map #36-90A zoned R-1, Residential General and located at 4300 Windmill Point Road.

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

3. Application for Special Exception – Roy S. Farmer and Betty F. Henderson – Mr. Gill present an Application for Special Exception by Roy S. Farmer and Betty F. Henderson to expand/enlarge an existing authorized non-conforming residential structure on a 1.480-acre parcel described as Tax Map #36-49E. This property is located at 356 Little Oyster Lane near Windmill Point in District 3.

Mr. Gill stated the residential structures on this parcel existed prior to the effective date of the Lancaster County Zoning Ordinance (6/1/1975), and therefore are authorized non-conforming structures. Article 12-4-1 allows for the expansion/enlargement of existing non-conforming structures, with a special exception, if the setbacks of that zoning district can be met.

Mr. Gill said the proposed location for the replacement trailer as depicted on the attached site plan will conform to all setback requirements of the R-1, Residential General District. In addition, the location of the proposed trailer will also conform to the Chesapeake Bay Preservation Ordinance as there is no net increase in the amount of impervious cover and no closer encroachment within the Resource Protection Area (RPA). The reason the special exception is required

is because the proposed replacement trailer and deck is 426 square feet larger than the existing trailer and decks.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. To date, there have been three requests from the public for additional information.

Chairman Beauchamp opened the public hearing.

Hearing none, Chairman Beauchamp closed the public hearing.

Mr. Geilich made a motion to approve the Application for Special Exception by Roy S. Farmer and Betty F. Henderson to expand/enlarge an existing authorized non-conforming residential structure on a 1.480-acre parcel described as Tax Map #36-49E located at 356 Little Oyster Lane near Windmill Point contingent on a letter from the health department approving a working septic system.

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

CONSENSUS DOCKET

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

A. Minutes for February 24, 2011

Recommendation: Approve minutes with corrections.

B. Resolution – Veto Telecommunications Bill

Recommendation: Approve the following resolution:

**REQUESTING GOVERNOR ROBERT F. MCDONNELL
TO VETO SENATE BILL 1368 AND HOUSE BILL 2367**

WHEREAS, Senate Bill 1368 and House Bill 2367 are amendments to § 56-234 of the Code of Virginia which eliminates certain requirements applicable to competitive telecommunications services; and

WHEREAS, Senate Bill 1368 and House Bill 2367 both have twelve provisions of which seven dramatically affect rural areas with provisions to eliminate the provision of landlines if service is available from one or more alternative providers, permits a telephone company to meet its obligation to furnish landline service through wire line or wireless methods, amends the requirement that the State Corporation Commission has to approve the sale of a telephone service, allows multiple rate increases for competitive services without approval, eliminates the authority of the SCC to establish areas where a telephone company may provide mobile telephone service, and deletes provisions applicable to the extension of telephone facilities into rural areas; and

WHEREAS, Senate Bill 1368 and House Bill 2367 will cause citizens in many rural areas to be without a secure and safe way to communicate from their home because Verizon has been deemed competitive in many of these rural counties and a large percentage of the homes cannot receive a wireless signal nor have the option of another telephone company; and

WHEREAS, The citizens of many rural counties have had to deal with an old analog switch which does not allow basic services like voicemail and DSL in their local exchanges that has had a negative effect on economic growth and jobs,

NOW THEREFORE, BE IT RESOLVED, that the Lancaster County Board of Supervisors does hereby express its opposition to SB 1368 and HB 2367 and requests that the Governor VETO this legislation so that this Bill will not become law; and

BE IT FINALLY RESOLVED, that this resolution be sent to The Honorable Governor Robert F. McDonnell.

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| 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 March 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for March 2011 in the amount of \$219,479.38* and Invoice Listings for March 2011 in the amount of \$778,481.64*.

*Judicial Center Expenses \$240,165.23

*Capital Improvements \$86,004.14

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

2. Networking Cabling in Lancaster County Administration Building – Mr. Rowe said the county advertised an invitation for bids for the installation of cabling to provide internet, telecommunications and other network services in the Lancaster County Administration Building.

Mr. Rowe said this project specifications and scope of work developed by county staff were modeled after the networking cabling project recently completed in the new Lancaster Judicial Center. The preference to abandon existing network and telecommunications cabling in favor of a new network is based upon the following:

1. The existing cabling actually comprises two separate networks – one maintained by county staff which serves the Commissioner of the Revenue, Treasurer and County Administration offices, and one maintained by the Supreme Court of Virginia which served the court clerks. The current office relocation plan would put personnel needing access to the county-maintained network into areas of the building that were previously served by the old court system network. The relocation plan would also put personnel into areas of the building in which there is no existing network or telecommunications infrastructure.
2. The proposed cabling scheme calls for multiple cable drops to be installed into each office which will provide adequate connectivity for existing computers, printers and other network devices and will allow for connection of additional devices should the need arise later.
3. Telephone lines would be cross connected into the same cabling network. Moving offices and personnel around within the building would no longer require an order to be placed for Verizon to move a phone line.

4. The project specifications call for an upgrade from Category 5 (the cable type currently used in this building) to Category 6 network cabling. This upgrade would allow for higher data transmission speeds within the local area network and is generally regarded as more resistant to outside factors which could affect network communications such as electrical, microwave and radio signal interference. Category 6 cabling would also reduce the possibility of crosstalk and line noise on network segments used for telephone service.

Mr. Rowe stated in short, this project would result in a well organized, low maintenance network that would meet the present and future needs of offices and personnel occupying this building.

Mr. Rowe said the invitation for bids closed on Friday, February 25th with 13 bids having been received. The responding companies and their bid prices are listed below in order of lowest to highest bid price:

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| 1. | Fiberplus | \$20,500.00 |
| 2. | Communication Technologies & Consulting | \$21,309.09 |
| 3. | Four D Cabling | \$22,338.00 |
| 4. | Black Box Network Services | \$26,144.60 |
| 5. | Computer Telephone Technologies | \$27,770.00 |
| 6. | Computer Cabling & Telephone Services | \$27,986.84 |
| 7. | IES Commercial (Suffolk) | \$30,100.00 |
| 8. | Optech | \$30,908.00 |
| 9. | Access Global Technologies | \$34,194.44 |
| 10. | IES Commercial (Ashland) | \$40,235.00 |
| 11. | Wayjo | \$41,800.00 |
| 12. | American Systems | \$53,424.48 |
| 13. | CTI Telecom | \$72,383.86 |

County staff has reviewed the bids and determined that Fiberplus is a qualified and responsible contractor and that their bid meets all requirements of this Invitation for Bids.

The cost of this project would be paid from the unused portion of funds set aside for the construction of the new Judicial Center.

Dr. Russell made a motion to award the Network Cabling Contract to Fiberplus to install cable to provide internet, telecommunications and other network services in the Lancaster County Administration Building in the amount \$21,309.09 with Communication Technologies & Consulting as a back up.

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

3. Construction Contract – Asbestos Testing – Mr. Pennell stated the Indoor Plumbing Program there is a new requirement that an initial asbestos inspection be performed by a licensed asbestos inspector. After advertising twice for an inspector, three proposals were received. The most responsive bid was from Eastern Virginia Environmental, LLC. The bids were as follows:

| Name | Amount |
|----------------------------|--|
| Eastern Environmental, LLC | \$500 per house |
| Michael Baker Jr., Inc. | \$1,250 per house |
| TTI Environmental, Inc. | Project Manager - \$68 per hour Asbestos Project Inspector-\$48 per hour Project Monitor - \$48 per hour Project Designer - \$68 per hour Technical Writer/CAD \$45 per hour |

Laboratory Analysis

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|------|---------------------------------------|
| PLMs | \$15/sample (24 hour turnaround time) |
| TEMS | \$75/sample (24 hour turnaround time) |
| PCMS | \$12/sample (24 hour turnaround time) |

Mr. Pennell said costs relating to this testing will be paid by the Virginia Department of Housing and Community Development in an amount up to \$800 per house. It is anticipated that in fiscal 2011 we will be performing work on twenty houses.

Mr. Palin made a motion to accept the bid from Eastern Virginia Environmental, LLC, after review by the County Attorney and authorize the County Administrator to execute the contract.

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

4. Carpet Replacement Contract – Mr. Larson asked the board for consideration of bids to replace carpet in the Lancaster County Administration Building and in the Social Services Building.

Mr. Larson said in response to the Invitation for Bids, four bids were received. Of these the bid received from Continental Flooring Company, Scottsdale Arizona was incomprehensible given that furniture moving and disassembly/reassembly were bid as an amount per square yard vice an hourly labor rate or total cost. For that reason the Continental Flooring bid is deemed

non-responsive. As a side note, the amount bid for just removal of old carpet and installation of new exceeded all other bidders.

Mr. Larson stated Bay Flooring Company, White Stone, Virginia bid an amount of \$36,183, and Lockwood Carpets Inc., Gloucester, Virginia bid an amount of \$41,800. However, neither company submitted an Appendix B as required by the Invitation for Bid.

Mr. Larson said The Carpet House, the recommended vendor, submitted a bid in the amount of \$26,432 and responded to all required elements in the Invitation for Bid.

Mr. Jenkins made a motion to award the Carpet Replacement Contract to The Carpet House, 4901 Jeff Davis Hwy, Fredericksburg, Virginia 22408 in the amount of \$26,432.

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| 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

Mr. Beauchamp stated Anita Tadlock sent the Board of Supervisors a note of thanks for honoring her mother Lorena Dobyns Conner, former Lancaster County Commissioner of the Revenue, with a resolution.

COUNTY ADMINISTRATOR

Mr. Pennell said the Redistricting Committee has been formed and will meet on April 11, 2011.

Mr. Larson said the county has received three responses to a Request for Proposal (RFP) for the Circuit Courtroom and other minor projects in the Administrative Building. He said he would like the input of the Board of Supervisors on the minor construction of the Circuit Courtroom which will be the board meeting room.

Mr. Geilich stated the lighting needs to be enhanced.

Mr. Larson said Cy Revere with assistants has done an amazing job - painting and performing other much needed repairs in the administrative building.

ADJOURNMENT

Motion was made by Mr. Geilich to adjourn.

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