

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, June 28, 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

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

**PUBLIC INPUT**

Mr. Bill Warren said at the regular Board of Supervisors May 31, 2007 meeting the board of supervisors stated citizens should attend the meetings and be informed as there was much opposition to the Highway Corridor Overlay Setbacks. He suggested adding the Planning Commission agenda and other important information to the Lancaster County Website similar to what is now available for the Board of Supervisors, so the public can be aware of what is happening in the county.

Kendall Acors stated Mr. Warren had an excellent suggestion, however; there are about 30% of the county that is elderly and/or not computer literate. He asked the Board of Supervisors the status on the Comprehensive Plan.

Mr. Geilich stated that the public hearing for Chapter 7 of the Comprehensive Plan would be on the July 26, 2007 agenda which is the regular Board of Supervisors meeting.

## **PRESENTATIONS**

None

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### VSH 200 Flashing Lights

Mr. Harper stated the flashing lights on the speed limit signs on VSH 200 on the White Stone side has been approved and in the process of being installed.

### Maintenance

Mr. Harper said the contractors are moving into residencies on July 9, 2007 for the plant mix schedule. There will be four sites scheduled for Lancaster County this year which includes Norris Bridge (Section F689), Irvington curb and gutter, and both ends of the Kilmarnock Enhancement Project. Each project has time restrictions so not to affect the flow of traffic.

### Speed Study Request/Town of Weems

Mr. Harper said the speed study request on VSH 666/Benson Road in Weems has not been completed yet.

### Traffic Light Study

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

Morattico Road Pavement

Mr. Jenkins asked about the Morattico Road pavement project and if it has been done.

Mr. Harper stated that road entrance to the condos has been widened to 18' and surface treated to improve the drainage, but has not paved the road just yet. Hopefully, that can be done in the fall should funding be available.

Burnt Wharf Road

Mr. Jenkins stated VDOT just paved Burnt Wharf Road and now a speed study is needed.

Mr. Jenkins made a motion to request a speed study on Burnt Wharf Road.

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

**PUBLIC HEARINGS**

1. Ordinance to Adopt Calendar Year 2007 Tax Levy – Mr. Pennell stated the Board of Supervisors must adopt a tax levy for real estate, personal property, merchant’s capital and machinery and tools as well as real estate and personal property for Public Service Corporations.

Chairman Geilich opened the public hearing.

Mr. Costello said during the budget work sessions there was a presentation by the Commissioner of the Revenue there was an item dealing with the elderly and disabled tax rates. There was a discussion about raising the threshold to \$17,000 up to \$24,000 – \$25,000. He does not believe that was covered and recommended that the board consider looking at that, which would help relieve some of the tax burden on that group of people. He also recommended timber lands to the land use taxation strategy.

Chairman Geilich closed the public hearing.

Mr. Jenkins made a motion to amend the Ordinance for the Calendar Year 2007 Tax Levy to reflect the following:

Real Estate - \$0.51 per \$100 of assessed value  
Personal Property (Motor Vehicles) - \$2.04 per \$100 of assessed value  
Personal Property (All Others) - \$1.52 per \$100 of assessed value  
Machinery and Tools - \$1.52 per \$100 of assessed value  
Merchant's Capital - \$1.00 per \$100 of assessed value discounted 50%

#### PUBLIC SERVICE CORPORATIONS

Real Estate - \$0.51 per \$100 of assessed value  
Personal Property (Motor Vehicles) - \$2.04 per \$100 of assessed value  
Personal Property (All Other) - \$1.52 per \$100 of assessed value

#### ROLL CALL

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

Motion failed 1 Aye (Jenkins) – 4 Nays (Geilich, Russell, Beauchamp, Palin).

Mr. Geilich made a motion to Adopt the following Ordinance for the Calendar Year 2007 Tax Levy:

**TAX LEVY FOR CALENDAR YEAR 2007**

Be it ordained by the Lancaster County Board of Supervisors:

Beginning January 1, 2007 until December 31, 2007, the following tax rates shall apply in Lancaster County:

- Real Estate - \$0.53 per \$100 of assessed value
- Personal Property (Motor Vehicles) - \$2.04 per \$100 of assessed value
- Personal Property (All Others) - \$1.52 per \$100 of assessed value
- Machinery and Tools - \$1.52 per \$100 of assessed value
- Merchant's Capital - \$1.00 per \$100 of assessed value discounted 50%

**PUBLIC SERVICE CORPORATIONS**

- Real Estate - \$0.53 per \$100 of assessed value
- Personal Property (Motor Vehicles) - \$2.04 per \$100 of assessed value
- Personal Property (All Other) - \$1.52 per \$100 of assessed value

**ROLL CALL**

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Nay
	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 May 31, 2007, June 7, 2007 and June 21, 2007

Recommendation: Approve the minutes as amended.

B. A. T. Wright School – Proclamation

Recommendation: Adopt the Resolution as amended.

C. County Cash Flow

Recommendation: Authorized the County Administrator to begin process of obtaining a Tax Anticipation Note in the amount \$3 million.

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 June 2007 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for June 2007 in the amount of \$179,460.67 and Invoice Listings for June 2007 in the amount of \$514,474.71.

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

2. Hills Quarter – Master Plan Issues – Mr. Larson stated David Donofrio has been requested to appear before the Board to describe his plans for the development of the commercial area of Hills Quarter and to explain his decision to place onsite septic treatment for the community center instead of the approved hookup to Kilmarnock wastewater treatment.

Mr. Larson said as of this date ninety-seven building permits have been issued for Hills Quarter and plans of development/subdivision plats have been approved for two hundred sixty-one of the total two hundred ninety-seven approved dwelling units. In the original master plan, it was stated “the retail and commercial uses are necessary, desirable and appropriate with respect to the primary purpose of the development as a high quality planned community.” The Board of Supervisors, from the very first approval action through the several changes to the master plan that have occurred in the last time years, has consistently indicated that development of the commercial area was an important factor in approving the development as it would not only benefit residents of Hills Quarter, but also the general population of the County. Finally, inquiries have been received from residents and the general public as to when the commercial area would be completed. Given that Mr. Donofrio has made only oral representations to date to the effect of “I am working on it”, and the fact that there is decreasing leverage to force completion of the commercial area as residential development advances, it was felt prudent to bring the matter before the Board of Supervisors for consideration and action as appropriate.

Mr. Larson provided the Board with a copy of a certified letter to Mr. Donofrio dated June 4, 2007 which documents his position with respect to the decision to use onsite septic for the community center. Mr. Donofrio can legitimately state that mass drainfields were part of the original master plan. However, he has since committed to sewage treatment for the entire project in the plans of development that have been submitted and approved. The drawing submitted to obtain Health Department approval shows the drainfield under the tennis court. While this location was approved by the Health Department, it is potentially problematic. Mr. Donofrio's explanation for his decision to use septic instead of Kilmarnock hookup was that he "wanted to save the homeowner's association money." It is Mr. Larson's position that the decision was made to save him money as the developer and that it will be much more costly to the homeowners when the drainfield fails and homeowners are required to hook up to sewage treatment. This will likely occur when Merry Point Development is no longer associated with the project.

Mr. Donofrio stated the first issue is the sewage at the community center at Hills Quarter. He said originally he planned to have the water and sewer system for the Town of Kilmarnock and the thought was rather than tie into the town's water and sewer line that they would put a septic system in for the Community Center. He stated that he went to both the Lancaster Health Department and the Town of Kilmarnock for approval and it was an oversight and wrong for not bringing this issue to the Board of Supervisors. Should there be an issue with the septic at the Community Center, it could always be tied into the town water and sewage.

Mr. Geilich asked about the drainfield being placed under the tennis court.

Mr. Donofrio stated the tennis courts were moved to the other side of the property, therefore the drainfield will not run under the tennis courts.

Mr. Beauchamp stated he hoped that oversights like this would not happen again.

Mr. Donofrio said he thought he was following proper procedures. He did not really save money, but will be a savings to the Hills Quarter homeowners. The Community Center is the only building that will be hooked up to the septic system.

Mr. Donofrio stated it has been ten years since the Hills Quarters Project began and now the ground work has become the top priority for the commercial areas. The commercial areas will consist of residential, restaurants, and other (example: Port Warwick in Newport News and Williamsburg New Town Center). He said the Virginia Department of Transportation will help with the traffic patterns and suggestions. Additional acreage has been purchased on the other side of Wilson Lane. There will be a Bowling Alley and Movie Theater, which was part of the original plan. People will be living in the commercial areas and there are currently architects working on the design. The first phase will be the Bowling Alley and Retail Space with parking.

Dr. Russell asked how many rental units per building.

Mr. Donofrio said there would be two units per building.

Dr. Russell asked how the Hills Quarter Project relates to the Comprehensive Plan.

Mr. Larson said it's in the primary growth area.

Mr. Geilich asked why this issue was before the board.

Mr. Larson stated to ask about the time frame, answer questions from concerned Hills Quarters residents and to give Mr. Donofrio an opportunity to make a presentation, giving details of the Master Plan.

Mr. Jenkins stated the refinement of the Master Plan is a great plan and looks better. Citizens are always concerned about affordable housing in the county and this plan could work. This is the pipeline for innovative thinking.

Mr. Donofrio stated the leg work has been done and they are moving forward on this project. They are hoping to start construction early 2008.

Dr. Russell stated he has concerns about the traffic.

Mr. Larson said Mr. Donofrio will be working with VDOT.

Mr. Palin thanked Mr. Donofrio for giving his presentation.

Dr. Russell made a motion to approve the After the Fact decision to place onsite septic for the Community Center at Hills Quarter.

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

3. Appropriations Resolution Fiscal Year 2008 – Mr. Pennell said the FY08 county budget must be adopted by July 1, 2007. The Board of Supervisors has historically adopted an appropriations resolution at the same time the county budget has been adopted.

Dr. Russell made a motion to adopt the following Fiscal Year 2007/2008 Appropriations Resolution amended to read that appropriations will be considered quarterly by the Board of Supervisors:

**FISCAL YEAR 2007/2008 APPROPRIATIONS RESOLUTION**

**WHEREAS**, the Lancaster County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Lancaster County Board of Supervisors that the budget for fiscal year 2007/2008 is approved and appropriations for the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

**The Lancaster County Board of Supervisors has approved the following appropriations subject to quarterly requests and subsequent approval. One-fourth of the following amounts are appropriated for the period July 1, 2007 until September 30, 2007.**

**Operating Budget**

Board of Supervisors	\$ 45,015
County Administration	343,129
County Attorney	20,000
Independent Auditor	26,000
Assessor	195,000
Equalization Board	10,500
Commissioner of the Revenue	269,108
Treasurer	254,020
Information Technology Services	106,452
Electoral Board	26,195
Registrar	86,125
Circuit Court	16,469
General District Court	7,025
Magistrate	610
Juvenile & Domestic Relations Court	1,791
Clerk of the Circuit Court	291,497
Victim/Witness Assistance	25,209
Commonwealth Attorney	288,394
Sheriff (Law Enforcement)	\$ 1,099,812
Dispatchers	118,487
School Resource Officer	47,430

Volunteer Fire Departments	288,000
Rescue Services	112,156
Paid Rescue Services	299,594
Forest Fire Service	2,602
Local Emergency Services	15,500
Sheriff (Corrections)	893,980
Juvenile Probation Office	54,850
Electronic Monitoring Program	20,000
Building Inspections	121,806
Animal Control	88,738
Medical Examiner	750
Refuse Disposal	924,497
General Properties	185,086
Health Department	196,178
Free Health Clinic	90,000
Community Services Board	35,330
Bay Aging	67,836
Group Home Commission	24,091
Rappahannock Legal Services	5,250
The Haven Crisis Shelter	2,000
Comprehensive Services Act	600,000
Social Services Board	1,420,723
Virginia Quality Life	10,000
Community College	5,576
YMCA Contribution	75,000
Mary Ball Washington Museum	4,400
Historic Resources Commission	350
Community Library	82,000
No. Neck/Ches. Bay Partnership	6,000
Rappahannock River Basin Commission	1,000
Land Use Administration	227,940
Resource Conservation and Development Area	600
Department of Housing	23,145
Indoor Plumbing/Rehabilitation	779,492
Planning District Commission	10,000
FEMA Grant	630,000
Greentown/Gaskins Road Rehab (CDBG)	1,100,000
CDBG/IPR Set Aside	485,600
Soil & Water Conservation District	10,000
Wetlands Board	11,394
Litter Control	6,000
Board of Zoning Appeals	6,494
Planning Commission	11,390
Extension Service	\$ 55,568
Landfill Closure Management	5,000
Enhanced Emergency Telephone System	37,425

Lancaster Public Schools	15,162,262
School Cafeteria Fund	786,365
Debt Service	<u>501,636</u>

Total Operating Budget Appropriations \$28,761,872

**Capital Improvements Budget**

LHS Fire Alarm System	\$ 75,000
LMS Repair Parking Lot	25,000
LHS Athletic/ROTC Building	200,000
LHS Balance HVAC System	20,000
County Parks	<u>50,000</u>

Total Capital Improvements Budget \$ 370,000

**TERMS AND CONDITIONS**

1. All appropriations are declared to be maximum, conditional and proportionate appropriations.

This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2008 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2008.

2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Lancaster County Board of Supervisors.

3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2008 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.

4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.

5. The amount appropriated to fund contemplated expenditures for the Lancaster County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.

6. No expenditures shall exceed the appropriation established by the Lancaster County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.
8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:
  - a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
  - b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
  - c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.
9. All appropriations that are not encumbered or expended prior to June 30, 2008 will lapse and the balance shall become part of the General Operating Fund Balance.
10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be reappropriated into the subsequent fiscal year.
12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.

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

4. Lancaster County Schools – Request for an Emergency Supplement Appropriation – Mr. Larson stated Dr. Latimore, Superintendent of Schools, was requesting an emergency supplemental appropriation from the Lancaster County Board of Supervisors to prevent the Schools from overspending its approved appropriations for fiscal year 2006/2007. The request is for a total of \$8,956 in additional funding, however; after researching this with the county treasurer they discovered that the supplemental appropriation amount should be \$3,506.00.

Mr. Geilich made a motion to Approve the Emergency Supplement Appropriation for Lancaster County Schools in the amount of \$3,605.00.

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

### **BOARD REPORTS**

None

### **COUNTY ADMINISTRATOR REPORT**

Mr. Pennell stated that Governor Kaine has created a Broad Band Roundtable Committee and it appears that he has been appointed to represent the Northern Neck, because of his position as Chairman of NeckTech.

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn the meeting until Wednesday, July 11, 2007 at 4:00 p.m. at the courthouse for a Work Session on the Courthouse Security and Space Needs Study.

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