

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, July 31, 2008.

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

Staff Present: William H. Pennell, Jr., County Administrator  
Jack D. Larson, Assistant County Administrator  
Don G. Gill, Planning and Land Use Director

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

**PUBLIC INPUT**

**Partners for Lancaster County Schools Foundation**

Bill Warren, Partners for Lancaster County Schools Foundation provided the Board of Supervisors with a written overview of the foundation. He said this foundation is modeled after a successful Ahoskie, North Carolina project. The first thing the foundation wanted to do was to work with Lancaster County Schools and Chesapeake Academy to document the real need for affordable housing for teachers in the area. The foundation pulled the human resources and demographic data and did extensive surveys of the teachers of both the public and private schools. There is an incredibly strong need for affordable housing. Approximately one week ago the lawyers got the paperwork completed and the State Corporation Commission approved the Foundation and they are officially up and running. They will build two building, each with eight units for a total of sixteen units located in or near the Town of Kilmarnock where public sewer and water are available. Each unit will had two bedrooms/two bathrooms and approximately 1,000

square feet with a target rent ranging from \$560 to \$650 per month. The sixteen units will cost \$2 million to build including the land. The plan is to borrow \$1.3 million from the banks and secure \$750,000 thorough donations, grants, etc. The foundation plans to have this project available for occupancy by the beginning of the 2010 school year.

Mr. Pennell asked Mr. Warren if he had talked to the USDA.

Mr. Warren said he has not yet, but will soon.

Mr. Geilich stated the Ahoskie, North Carolina project has been very successful; they have been able to recruit and keep teachers which has a very positive impact on the school system.

### **Introduction of the New Environmental Codes Compliance Officer**

Mr. Geilich introduced Brian Barnes, the new Environmental Codes Compliance Officer for Lancaster County who has a degree from Virginia Tech in Agriculture, been a Director with the Northern Neck Soil and Water Conservation Group and had his own business in marine construction.

Mr. Barnes stated the staff has been great with getting him started and he looks forward serving the citizens of Lancaster County.

### **Financial Management**

Dana Gilmore stated this is the first month of the fiscal year and no one funded this year should be in a need of supplemental dollars. He said there are two types of appropriations - an Operating Budget and Capital Improvement. Should one of these appropriations (i.e. Capital Improvement) need additional funding in the first month of the fiscal year, then they need to reprogram and transfer from the Operating Budget for whatever is required in the Capital Improvement Budget. He stated re-appropriation

means adding funding authority to cover a prior year over-run that did not have sufficient funds reserved to pay the bill. Again, the response should be to reprogram and transfer for the new appropriation for the current year. There is not new, additional revenue available to increase the overall spending authority without incurring a liability trying to go and find additional revenue. He said that all entities receiving appropriations from the county should be forewarned that after the mid-year financial management review has been completed, reductions may be required in the second half of the year, because of revenue shortfalls and/or cuts from the Commonwealth. At this point all county funded entities should be planning ahead assuming there are going to be reductions that may be required. The alternative would be an emergency tax increase or borrowing money or a combination of the two. This is going to be a tough year and the bottom line is that all county entities should plan ahead.

## **PRESENTATIONS**

None

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### VSH 673/Riverwood Drive

Mr. Trapani stated curve warning signs will be erected next week on VSH 673/Riverwood Drive.

### County-wide Maintenance

Mr. Trapani stated secondary mowing has started in the White Stone area and VDOT is continuing with county-wide maintenance.

### VSH 3/Bridge Work

Mr. Trapani stated the work was thought to begin in July, however; the contractor is finishing work in Westmoreland County and should be coming to Lancaster County soon, but he does not have an exact date from the contractor to report.

## VSH 610/Oak Hill Road Speed Study Request

Mr. Trapani stated this issue is still pending for VSH 610/Oak Hill Road, they will continue to review the speed study request, but still waiting on a traffic recommendation from the traffic engineer.

Mr. Jenkins asked how long would that take?

Mr. Trapani said it was looked at once which is why additional signage was put in place. They wanted to do a speed study in July but he has not received the report to date.

April Ortiz, who lives on Oak Hill Road, said it is a 17' road with a blind curve which is truly a safety issue. There was a sign erected which reads End 35 mph and she asked what does that mean?

Mr. Trapani stated the speed goes back up to 55 mph. The law on speed zones also states you should drive according to conditions of the road.

Ms. Ortiz stated it was frustrating because this issue has been under study for three months.

Mr. Jenkins stated the Board of Supervisors has the authority to make a request on behalf of the citizens and because the process has changed they have to wait longer for results. He said the board asked for the speed study but the problem would be the enforcement.

Ms. Ortiz stated she understands that enforcement could be a problem, but reduction of the speed limit would be a start.

Mr. Trapani stated Incorporated Towns can post requested speed limits and out of town (i.e. county) there has to be a study. Unfortunately, there is a process that must be followed.

## **PUBLIC HEARINGS**

1. Application for Special Exception – James D. Pumphrey and Laura Vickers – Mr. Gill presented an Application for Special Exception by James D. Pumphrey and Laura Vickers to operate a professional office on a .582 acre parcel described as Tax Map #15-92D. This property is located at 8545 Mary Ball Road near Lancaster Courthouse and is in Voting District 2.

Mr. Gill said Article 5-1-19 of the Lancaster County Land Development Code allows a professional office, with a limit of one unit and four workers per lot, with a special exception. Mr. Pumphrey and Ms. Vickers wish to rent this property for such a professional office.

Mr. Gill stated this request is considered reasonable and appropriate given the property's history and its location in the Lancaster Courthouse village area. For several years, this property served as the office for a local insurance agent. It is adjacent to the old post office building, which is a commercial property that has housed many professional offices through the years.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been response from one adjoining property owners, who did not have an objection as long as cars were parked on the subject property and not on the easement thorough his property to get to the subject property.

Chairman Geilich opened the public hearing.

Ms. Vickers asked the Board of Supervisors to grant the special exception.

Mr. Palin asked about parking.

Ms. Vickers stated there is plenty of space for parking.

Mr. Jenkins stated there is plenty of parking and on-street parking.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by James D. Pumphrey and Laura Vickers to operate a professional office on a .582 acre parcel described as Tax Map #15-92D. This property is located at 8545 Mary Ball Road near Lancaster Courthouse.

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

2. Application for Special Exception – Frank C. Schwartz – Mr. Gill presented an Application for Special Exception by Frank C. Schwartz to operate a Bed and Breakfast (B&B) on a portion of a 117.782-acre parcel described as Tax Map #13-11. This property is located across from the intersection of VSH 354 (River Road) and VSH 683 (Belle Isle Road) and is in Voting District 2.

Mr. Gill said article 4-1-46 of the Lancaster County Land Development Code allows a B&B with a special exception in the A-2 Agricultural, General District. The applicant wishes to establish a four-room B&B where the old farmhouse was located on the old Edgehill Plantation to accommodate people visiting Belle Isle State Park and occasional hunting parties that will use surrounding wooded areas of the farm. The B&B facility will have four separate bedrooms with their own baths and a common kitchen, dining and living room area with a large screened sitting room. He provided the Board of Supervisors

with preliminary site plan shows the location of the B&B on the property as well as the proposed parking area and the existing graveled driveway. Should the special exception be granted, a final site plan will be required and reviewed for compliance with the zoning ordinance prior to the issuance of building permits.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. To date, there had been two inquiries from the public, one with no opposition and the other corresponded via email which was provided to the board.

Chairman Geilich opened the public hearing.

Joanne Veney-Mynat stated she has no opposition to the special exception.

Chairman Geilich closed the public hearing.

Dr. Russell asked what the history of Edge Hill Plantation and the old farm house.

Mr. Jenkins said it's a Lancaster County landmark as the original one and half story of the house was built around the mid 1700's and the two story addition to the left or west of the building was added around 1787. It is the site where the Lancaster Mounted Militia in 1861 received their Battle Flag which has been preserved and currently in the Museum of the Confederacy. The family that was living there at the time were the Tapscotts. One of the Tapscott brothers was a bugler and the other the flag bearer. The house has been in several hands since then. He stated on a personal level his grandfather once owned the property at the time his father was born. The house does have historical significant, but terribly neglected with no fault of the current owner.

Dr. Russell asked about the historic preservation.

Mr. Jenkins stated our Historical Resource Commission started to review this but has not been active. This property was a subject of an architectural survey in the later 1990's, so there is some documentation of the building but not sure how many pictures exist. There is nothing in Lancaster County Ordinance that would prohibit Mr. Schwartz from tearing down the structure and rebuilding. Whereas he has a soft spot for history, this building is deteriorating.

Mr. Palin asked if there were funds available to move the building.

Mr. Jenkins stated it's the site not necessarily the building.

Dr. Russell said he understands that there is not an ordinance that can be enforced and the property owner has a right to use his/her property, however; it bothers him to see an old historical building torn down.

Mr. Jenkins said the two story building is in pretty good shape, but the one and half story is in real bad condition. There was an 1800 century fireplace and chimney that are gone as they pulled away from the house.

Mr. Beauchamp asked Mr. Schwartz if it would be too costly to renovate the building.

Mr. Schwartz stated he has checked but it would be too costly to repair/renovate.

Mr. Palin asked Mr. Schwartz if he be in opposition to placing a historic marker on that site.

Mr. Schwartz said he would love to have a historic maker erected on the site.

Mr. Palin stated he would not make placing a historic marker on the site part of his motion, but would like the county to take the appropriate steps in order to make this to happen.

Mr. Palin made a motion to Approve an Application for Special Exception by Frank C. Schwartz to operate a Bed and Breakfast (B&B) on a portion of a 117.782-acre parcel described as Tax Map #13-11. This property is located across from the intersection of VSH 354 (River Road) and VSH 683 (Belle Isle Road).

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

3. Revisions to the Lancaster County Erosion and Sediment Control Ordinance – Mr. Gill stated this public hearing on this matter is being held to take public comment on revisions to the Lancaster County Erosion and Sediment (E&S) Control Ordinance required for the local program to conform to the state program.

Mr. Gill stated the Virginia Department of Conservation and Recreation (DCR) conducted a comprehensive review of our E&S program in October 2007 and issued a Corrective Action Agreement (CAA) to bring Lancaster’s E&S Program into compliance with state regulations. One of three things required is the revision of our E&S ordinance, which has not been revised since its adoption in January 1995. DCR staff has reviewed our ordinance and attached is the revised draft with their recommended changes/additions highlighted in blue. The Planning Commission also conducted a public hearing on this revision at its meeting on 7/17/08. Its recommendations are highlighted in yellow. The Planning Commission recommended including the optional text in Section 10-4C

which would make E&S permitting for an individual homeowner less burdensome. It also recommended changing the word “shall” to “may” under the “NOTE” in Section 10-8B in order to retain the option for criminal prosecution in addition to the civil penalties in the event of a blatant violation. However, further investigation has revealed that the latter request to change “shall” to “may” is not permissible as the text under that “NOTE” section is taken directly from the Code of Virginia Section 10.1-562J (a copy was provided for the Board of Supervisors review).

Mr. Gill said the Planning Commission has forwarded this draft recommending favorable consideration.

Mr. Gill stated this issue has been advertised as required by law. Other than input expressed at the Planning Commission’s public hearing, there has been only one inquiry from the public seeking additional information.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Geilich made a motion to Approve the revision to the Lancaster County Erosion and Sediment (E&S) Control Ordinance and request to change “shall” to “may” is not permissible as the text was taken directly from the Code of Virginia Section 10.1-562J.

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

**CONSENSUS DOCKET**

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

A. Minutes for June 26, 2008 and July 10, 2008

Recommendation: Approve minutes

B. Resolution to Affirm an Authorization to Pick-up the Employee's Contribution to VRS

Recommendation: Adopt the following resolution:

**Affirmation of Authorization to Pick-up the Employee's  
Contribution to VRS for Lancaster County 55151  
Under § 414(h) of the Internal Revenue Code**

**WHEREAS**, the Lancaster County Board of Supervisors provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking-up member contributions to VRS; and

**WHEREAS**, VRS keeps track of such picked-up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

**WHEREAS**, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

**WHEREAS**, in order to avail itself of the protection given under Notice 2006-43, the Lancaster County Board of Supervisors desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and

**BE IT FURTHER RESOLVED**, that effective the first pay day on or after July 31, 2008, the Lancaster County Board of Supervisors shall pick-up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and

**BE IT FURTHER RESOLVED**, that such contributions, although designated as member contributions, are to be made by Lancaster County in lieu of member contributions; and

**BE IT FURTHER RESOLVED**, that pick-up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

**BE IT FURTHER RESOLVED**, that member contributions made by the Lancaster County under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

**BE IT FURTHER RESOLVED**, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by Lancaster County directly instead of having them paid to VRS; and

**BE IT FURTHER RESOLVED**, that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of Lancaster County shall be picked-up either through a reduction in the current

salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by Lancaster County on behalf of such employee pursuant to the foregoing resolutions.

C. Elimination of Law Library Fund and War Memorial Maintenance Fund

Recommendation: Eliminate Law Library and War Memorial Fund  
and deposit fund balances in General Fund

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 July 2008 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for July 2008 in the amount of \$197,433.55 and Invoice Listings for July 2008 in the amount of \$874,692.05.

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

2. Courthouse/Social Services Painting Contract – Mr. Larson stated the exterior painting of the Courthouse, Pierce building, and Social Services building is an approved capital expenditure in the FY 2009 budget. Six bids were submitted in

response to the invitation for bid, ranging from \$10,150 to \$82,500. The fact sheet gives a complete breakout of the bids along with comments resulting from the bid review process as follows:

<b><u>Bidder</u></b>	<b><u>Courthouse</u></b>	<b><u>Pierce Bldg</u></b>	<b><u>Soc Svcs</u></b>	<b><u>Total</u></b>
Bill Krolak	\$ 4,945	\$ 3,363	\$1,842	\$10,150
Empire Painting	15,900	6,800	4,300	27,000
Angelo's Painting	22,600	2,750	2,900	28,250
Highlander Painting	26,903	8,718	3,840	39,461
Hall Contracting	68,174	1,150	3,700	73,024
Abbott General Const	55,500	22,500	4,500	82,500

**Notes:**

- 1) Bid opening conducted in County Administrator office at 4:00 p.m. on June 30, 2008 by Jack Larson and Steve Daum – both present throughout opening process
- 2) Virginia DEQ would not offer an opinion on whether or not a special certification was required for working where lead based paint may be scraped. Was referred to DPOR. A Mrs. Williams at DPOR advised that special certification was required.
- 3) Of the six bidders, only three, Empire, Angelo's and Hall Contracting asked for and conducted a "walkthrough" so as to understand the scope of work.
- 4) Do not believe that Krolak bid is responsive, especially given the Courthouse estimate which is clearly too low (i.e. did not understand scope of work).
- 5) Abbott is offering an add-on for the roof of \$4,300.
- 6) Called references provided by Empire Painting – awaiting return call on all three
- 7) DPOR report on Empire Painting was provided.

Mr. Larson said the low bidder, Bill Krolak, is not a licensed contractor and can therefore not be considered. Empire Painting, the second lowest bidder,

is a licensed contractor and can meet the necessary certification requirements. The bid is within the budgeted amount for the project. He asked the board for consideration and approval of recommended Empire Painting Corporation as the successful bidder for subject contract.

Mr. Palin asked if the bid price included repairs to the subject buildings.

Mr. Larson stated that repair costs were not included in the bid price and there will be some repairs made at an additional cost.

Mr. Jenkins said he has a constituent who has some expertise with the type of work being done and has volunteered his time to review the work. He would like to have E. O. Harding take a look at the repairs prior to the work being done especially on the columns on the Courthouse steps.

Mr. Pennell stated he, Cyrus Revere, and Keith Cornwell will oversee the project.

Mr. Geilich made a motion to Award the Courthouse/Social Services Painting Contract to Empire Painting Corporation as the lower bidder that meets the necessary certification requirements.

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

3. Tartan Village Phase II – Request to Waive Taxes – Mr. Pennell stated he received a request from Bay Aging asking the Lancaster County Board of

Supervisors to waive real estate and personal property taxes on the proposed Tartan Village Phase II elderly housing project in Kilmarnock, Virginia.

Mr. Pennell said the same request was made of the Lancaster County Board of Supervisors for phase I of the subject project. At that time the Board of Supervisors did not approve the waiving of real estate and personal property taxes for the project.

Mr. Pennell said as Mr. Gemerek stated in his letter “(p)lease be aware that HUD funding for this project will still be forthcoming would the Board of Supervisors decide that Lancaster County can not afford to grant this request.”

Mr. Jenkins made a motion to Deny the request to waive real estate and personal property taxes on the proposed Tartan Village Phase II project.

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

4. Annandale Surplus Real Estate, Inc. Subdivision – Preliminary and Final Plat Approval – Mr. Gill said the Preliminary and Final Plat Approval for the nine-lot Subdivision of Annandale Surplus Real Estate, Inc. located at the end of VSH 690 (Norwood Church Road) near Morattico in District 1.

Mr. Gill said Section 3-7 of the Subdivision Ordinance requires that the preliminary and final plats for all subdivisions of six lots or more be submitted to the Board of Supervisors for their approval or disapproval. This subdivision involves two contiguous parcels under common ownership with a total of nine lots and therefore requires Board action. However, VDOT approval is not

needed as our Subdivision Ordinance does not require a traffic impact study for subdivisions of less than 10 lots and also because each lot has individual access to VSH 690 (Norwood Church Road). Lot 9, which comprises 60% of the total acreage, will remain as open space, and since it is not intended as a buildable lot, it is acceptable as the location for the remote drainfield. As evidenced by the checklists provided to the Board of Supervisors, this subdivision meets all the requirements for preliminary and final plat approval.

Mr. Jenkins stated he would like to hold off on final plat approval until the next regular Board of Supervisors meeting on August 28, 2008 in order to review additional information and get clarification on a few concerns.

Mr. Jenkins made a motion to Approve the Preliminary Plat for the nine-lot Subdivision of Annandale Surplus Real Estate, Inc. located at the end of VSH 690 (Norwood Church Road).

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

5. Re-appropriation of Capital Improvement Funds – Mr. Larson said the county received a request to re-appropriate remaining balances in FY 2008 Capital Improvement Projects that continue into FY 2009.

Mr. Larson asked the board to re-appropriate funds into FY 2009 as identified. The following balances remain as of June 30, 2008 and have, as per the terms of the appropriation resolution lapsed:

LPS Parking Lot Repairs--\$10,614

Athletic/ROTC Building--\$154,860

Mr. Jenkins asked about the \$10,614 for the parking lot at the Primary School and asked what work was left to be done on this project.

Mr. Larson stated he was not sure of the work left to done.

Mr. Jenkins stated he thought Stage One was putting down gravel which was completed May 2008 and the contractor was paid.

Mr. Larson said that was correct and \$73,000 have been spend to date.

Mr. Jenkins said there is always last minute issues and piecemealing. The Capital Improvement Funds are very low and he is very unhappy with the process being taken by the schools.

Mr. Geilich made a motion to Approve the School Board request to re-appropriate funds into FY 2009 identified as LPS Parking Lot Repairs in the amount of \$10,614, Athletic/ROTC Building (Restrooms/Concession Stand) in the amount of \$154,860, and the Air Balance in the amount of \$20,000 subject to Mr. Larson, Financial Officer review and sign off.

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

6. Request for Funding – Lancaster Primary School Bus Entrance - Mr. Larson stated he received a consideration of request for capital improvement funds to complete the bus entrance at the Lancaster Primary School.

Mr. Larson provided the board with a copy of the request from the school board for \$55,000. This amount is based on a firm fixed price contract amount of \$49,778 with the difference of \$5,222 identified for “contingencies”. There is \$10,614 remaining in unexpended FY 2008 funding related to this project, and \$13,500 was approved in the FY 2009 budget. This, therefore, results in a request for additional capital improvement funds of \$25,644 with no contingency funding, or \$30,886 if the contingency funding is provided as requested.

Mr. Larson said if additional capital improvement funds are provided as detailed above, remaining uncommitted balance in the capital improvement fund would be approximately \$70,000.

Mr. Geilich said the project is well on the way and where does it stand to date.

Mr. Larson stated the construction of the entrance for the bus turn around and the plans have been developed and approved by Virginia Department of Transportation subject to drainage easement. He said what has been talked about is widening of the road going from the entrance to the loop turn around. The loop turn around has been completed. After visiting the site it appears as if the paving of the loop and widen the entrance to the loop as not been done.

Mr. Geilich asked if that scope of work was in the original set of plans.

Mr. Jenkins said no. The entrance to the turn around changed, if they would have stayed with the entrance that was there, Virginia Department of Transportation (VDOT) could not have enforced anything, but once the changes were made that’s when VDOT stepped in and stated a turn lane was needed.

Mr. Pennell confirmed Mr. Jenkins’ statement.

Mr. Jenkins said the buses used to unload students in the front of the building with a widened drive, personal vehicles were unloading in the back when buses begin unloading in the back the entrance was no longer acceptable. When that entrance had to be widened for the proper of unloading buses in the back, then VDOT stated there must be a turning lane. At which the board encouraged Mr. Guill, Director of Operation for the Schools to get bids for contractors to do the job when they were not busy to cut down on the cost. He probably could have gotten a local contractor for a reasonable price and dealt with the entrance later as that was not an immediate problem. He asked if an entrance cost \$50,000.

Mr. Don Gill stated commercial entrances are very costly especially with a turning lane and the cost of \$50,000 is reasonable.

Ms. Sciabbarrasi stated they took the lowest bidder and were hoping to complete the job before the start of school, however; she does not believe that will happen at this point.

Mr. Jenkins asked if any of the \$55,000 was required to pay for widening of road to the back of the building and the loop.

Mr. Burton, design engineer, pointed out what work was being planned included the widening of the driveway and construction of an additional parking lot.

Mr. Jenkins said he was still unhappy with the cost and the scope of work. This project has been expanded from what was originally presented and approved by the board. The dimension on the roadway has been changed which were changed to a dimensions that most contractor could perform the job at a lesser rate, but can not because it is irregular to their blade size. It adds a lot more to their cost to do the job. Mr. Guill expanded the project without coming back to the Board of Supervisors.

Mr. Geilich said he does not like the way this project has been expanded without prior approved of board.

Mr. Burton stated the cost to do the entrance “only” should not exceed \$3,000 and that work would include the removal of soil and gravel a 29’ x 70’ entrance.

Mr. Larson stated a request for paving will come before the board in the near future.

Mr. Jenkins said he still has concerns with the number of changes made to the plan. Which mean that Mr. Guill has gone ahead without proper authorization?

Ms. Sciabbarrasi stated that the entrance was being widened to accommodate two buses as they enter and exit.

Mr. Jenkins asked how many buses enter and exit the entrance.

Ms. Sciabbarrasi said ten buses and they do pass with differences in time.

Mr. Jenkins said that the buses would have to use common courtesy but the bigger issue is that this is a higher dollar amount and the scope of work has increased from the original plan presented several months ago.

Mr. Geilich asked if the school system can find the requested funds within their FY09 budget.

Mr. Larson said yes, which is the same understanding with the Restroom/ Concession Stand project that was approved for \$200,000 and the school board

will have to find the funds within their own budget to complete the project should it exceed the approved amount.

Mr. Beauchamp stated that without a doubt this project has been expanded from what was originally discussed.

Mr. Geilich stated the Capital Improvement Funds are very limited at this point.

Dr. Russell asked what was left in the Capital Improvement Funds.

Mr. Larson said only \$70,000 should this project be approved and if the Board of Supervisors does not approve this request the Capital Improvement Funds would be just under \$100,000.

Mr. Geilich made a motion to Deny the School Board request for Capital Improvement Funds to complete bus entrance at the Lancaster Primary School and find the funding within the schools FY09 budget should they want to complete this project.

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

7. Commonwealth Budget Reduction to Localities – Mr. Pennell stated when the Commonwealth of Virginia announced it was reducing its aid to localities, each jurisdiction was notified it could select the method by which this reduction could take place. These methods are:

1. Take the reduction out of one or more of the programs in the list provided by the Department of Planning and Budget;
2. Make a reimbursement payment directly to the Commonwealth; or
3. Choose a combination of program reductions and reimbursement payment.

Mr. Pennell stated as the budget deliberation process was taking place, county staff planned on using option #1 and prepared the budget with this option in mind. He suggests the Board of Supervisors consider an alternative.

Mr. Pennell said he has learned that many of Virginia's counties, cities and towns affected by these unilateral reductions in the Commonwealth's commitment to localities are planning to meet in Richmond just prior to the 2009 General Assembly Session to present checks to the Commonwealth as a public demonstration of localities' distaste for the General Assembly's imposition which requires increases in real estate taxes while the Commonwealth can continue to claim it does not raise income taxes.

Mr. Pennell stated his recommendation would be:

- 1) Authorize the county administrator to prepare a reimbursement notification and payment (option #2) in the amount of \$88,947, the total reduction imposed upon Lancaster County for Fiscal Year 2009 by the Commonwealth of Virginia. The notification of this action is due to the DPB by August 30, 2008, but the actual reimbursement is not due until January 9, 2009.
- 2) Authorize the county administrator to amend the county's FY09 annual budget to reflect an expenditure of \$88,947 as Aid to the Commonwealth and restore the original expected state funding commitments to revenue line item from which they were previously deleted.

Mr. Pennell said this action will have a net effect to the county's annual budget of \$0.00 since the amount will be added to both the expenditure and revenue sides of the annual budget.

Mr. Pennell stated if approved by the Lancaster County Board of Supervisors, he will arrange to have a large check in this amount prepared for the "photo op" that will surely occur when many of Virginia localities prepare checks to help the General Assembly and Governor balance the state's budget.

Mr. Beauchamp made a motion to Authorize the County Administrator to prepare a reimbursement notification and payment in the amount of \$88,947, the total reduction imposed upon Lancaster County for Fiscal Year 2009 by the Commonwealth of Virginia. Authorize the county administrator to amend the county's FY09 annual budget to reflect an expenditure of \$88,947 as Aid to the Commonwealth and restore the original expected state funding commitments to revenue line item from which they were previously deleted.

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

8. Revisions to the Lancaster County Community Development Authority Policy – Mr. Pennell stated recently, the new Tides, LLC has notified county staff that it desires to petition the Lancaster County Board of Supervisors for a Community Development Authority to facilitate the financing of necessary infrastructure for the development of several of its planned communities. Prior to the acceptance of this petition, he has been working with Dan Siegel of Sands Anderson and Ted Cole with Davenport and Company to revise the current county policy in

accordance with changes in state law and other regulations since the initial adoption of the policy.

Mr. Pennell said since 1998 when Lancaster County first adopted a Community Development Authority policy (Lancaster County was the second in the Commonwealth) a number of updates and changes have been made in the state law governing these authorities.

Mr. Pennell provided the Board of Supervisors with a draft policy revision which brings Lancaster County's policy in conformance with current practices among other counties with successful Community Development Authorities.

Mr. Jenkins made a motion to adopt the updated Lancaster County Community Development Authority Policy.

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

9. Fuel Contract – Mr. Larson stated there were two respondents to the Invitation for Bid for the motor vehicle fuel and heating oil fuel service contract for the Courthouse Building, Sheriff's Department, and School Board for 2008 – 2009. The bids received were from Noblett Oil & Propane and TCH Oil.

Mr. Larson said TCH Oil was the lowest bidder on two of the three types of fuel that will be purchased, resulting in a lower overall cost for projected buys of all fuel. Noblett's Oil and Propane also had a higher Underground Storage Tank (UST) charge, (\$774 projected) but this was almost exactly offset by the

projected cost (\$720) of a higher pumping fee for tanks that cannot be refueled by gravity feed. The bid information is as follows:

<b><u>Noblett Oil &amp; Propane</u></b>	<b>Cost Per Gallon</b>	<b>Total Cost Based on Expected Usage</b>
<b>Gasoline</b>	\$3.6132	\$122,849
<b>Heating Oil</b>	\$4.0662	\$157,565
<b>Diesel</b>	\$4.1165	<u>\$211,366</u>
<b>Total Cost</b>		<u>\$491,780</u>

<b><u>TCH Oil</u></b>	<b>Cost Per Gallon</b>	<b>Total Cost Based on Expected Usage</b>
<b>Gasoline</b>	\$3.5345	\$120,173
<b>Heating Oil</b>	\$4.0720	\$157,790
<b>Diesel</b>	\$4.1066	<u>\$210,857</u>
<b>Total Cost</b>		<u>\$488,820</u>

Mr. Jenkins made a motion to Award the 2008 – 2009 Fuel Contract to TCH Oil, 73 Seafood Lane, P.O. Box 156, Irvington, VA 22480, the lower bidder.

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**

None

**COUNTY ADMINISTRATOR**

Mr. Pennell stated at the June 26, 2008 regular Board of Supervisors meeting a request was made by Joe Urban for Lancaster County to begin accepting cash proffers. He stated he has talked to the County Attorney and has learned there are a lot of flexibilities in how cash proffers can be managed. He stated he would like to forward this issue to the Lancaster County Planning Commission.

By consensus of the Board of Supervisors, have this issue forwarded to the Lancaster County Planning Commission.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn to the meeting.

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