

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 27, 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
 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. Preservation Virginia – Mr. Bob McKenny stated over one year ago the Lancaster County Board of Supervisors was asked to contribute \$1,500 to the Northern Neck Branch of what was then The Association for the Preservation of Virginia Antiquities located in Warsaw, the organization is now known as Preservation Virginia. The organization, with the assistance of many volunteers, undertook a study of the many historic sites in the Northern Neck and Essex County. The research was completed and sent to the University of Virginia Press for publication in December 2010. He said as co-chair of the Lancaster Team which also included Jerry Abbott, it is with pleasure he presents the Lancaster County Board of Supervisors with a copy of the book entitled Historic Sites in Virginia's Northern Neck & Essex County – A guide to some 460 sites, 445 photographs, and three dozen locating maps. At the time the appropriation was made Dr. Jack Russell was Chair

of the Board of Supervisors. He thanked the board for its support and monetary contribution to this outstanding project and presented the Lancaster County Board of Supervisors with a copy of the book.

2. Robinson Farmer Cox Associates FY 2010 Audit Report – Ms. Anne Wall, partner with Robinson Farmer Cox Associates presented the 2010 Audit by Robinson Farmer Cox Associates stating the county is required to have an audit every year under the Code of Virginia. The Single Audit Act, which governs the county's federal dollars and good business practices, makes this requirement. The county's audit has been conducted in accordance with generally acceptance accounting practices and audit standards. The county's audit has been filed with the Auditor of Pubic Accounts to be included in the comparative cost report by the November 30, 2010 deadline and a version of this report was also filed with the Department of Environmental Quality (DEQ) for the county's landfill financial assurance and with the Single Audit Clearing House. All the filings are now current and up to date. The auditors issued three opinions and the one on the financial statements was an unqualified and clean opinion. The review of the internal controls under the Single Audit Act which governs federal dollars requires issuing an opinion on those items yielded "no findings." The layout of the audit is as it has been for the past eight years. She asked to Board of Supervisors to look at Exhibit 8, Page 41 which lays out the fund balances by category and the general fund balance is \$4.7 million as of June 30, 2010. She said the tax collection for Lancaster County is at 96% – 97% over the late ten years. She stated during the audit they received total support and cooperation from staff across the county. She stated they proposed some adjusting entries at the conclusion of the audit which have been posted to the county's accounting system to mirror what is reflected in the audit. She thanked to Board of Supervisors for allowing Robinson Farmer Cox Associates to serve as the county's auditors.

Mr. Geilich asked about the statement on page 8, "The net excess of revenue over expenditure of \$1,472,472 was achieved in part by the extraordinary efforts of fund administrators to keep expenditure within their original budget estimates."

Ms. Wall said this portion on the audit is called management, discussion, and analysis which were drafted internally by Mr. Jack Larson.

Mr. Geilich stated that this speaks very complimentary to county management in every respect.

Ms. Wall said absolutely.

Mr. Geilich asked about the negative amount of \$254,392 on Page 41 under Expenditures entitled Community Development.

Ms. Wall directed the board's attention to Page 58 Schedule 2 which is a more detail analysis of expenditures and it shows that the Indoor Plumbing and Greentown/Gaskin Road Program is the reason for the negative amount.

Mr. Beauchamp said he believes that our audit says a lot about our county staff and department heads; again he thinks we need to complement all of them as they have done an outstanding job. He certainly appreciates the work of all involved and sure his fellow board members feel the same.

Passing of Lorena Conner (former Commissioner of the Revenue)

Mr. Jenkins stated Ms. Lorena Conner (former Commissioner of the Revenue) passed away on January 25, 2011. She served many years as a dedicated public servant and worked diligently toward the sound fiscal operation of this government.

Mr. Jenkins made a motion authorizing the County Administrator to draft a resolution in honor of Ms. Conner commending her for her years of service and dedication to the county. He asked for this resolution to be presented to her surviving family members.

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

New Northern Neck Residency Administrator

Mr. Trapani introduced the new Northern Neck Residency Administrator David Brown, he stated December 25, 2010. Mr. Trapani stated is has been a pleasure working with the Lancaster County Board of Supervisors for the past five years, but he had an opportunity to go back home.

Mr. Brown stated he looks forward to working with the Lancaster County Board of Supervisors and the entire Northern Neck area.

VSH 641/Mosquito Point Road Speed Study

Mr. Pennell asked about the speed study on VSH 641/Mosquito Point Road.

Mr. Beauchamp stated he received an email for Mr. Balderson indicating the speed study has been done; however, he has not received the official results yet.

Appreciation for Brookvale Headquarters

Mr. Jenkins said even though the last winter mix did not pan out, he appreciates the fact that there were trucks out on the road very quickly.

Mr. Beauchamp thanked Robert Harper for everything they do for Lancaster County. He also thanked Sean Trapani and stated it has been a pleasure working with him, wished him well in his new job.

PUBLIC HEARING

1. Town of Kilmarnock – Through Truck Restriction – Mr. Pennell said during the summer of 2010, the Kilmarnock Town Council asked the Lancaster County Board of Supervisors to conduct a public hearing on a Through Truck Restriction on Mary Ball Road/Main Street within the Town of Kilmarnock. At the August 26, 2010 regular monthly meeting, the board authorized the county administrator to work with the Town Manager and schedule the required public hearing.

Mr. Pennell stated the public notice has been run as a display ad in the Rappahannock Record January 13, 2011 and January 20, 2011. Mr. Tom Saunders, Kilmarnock Town Manager, and Mr. Shawn Donohue, a member of the Town Council, are available to answer any question from the Board of Supervisors and/or public.

Mr. Saunders stated this was a very simple proposal and they request that Main Street through Kilmarnock be designated “No Through Trucks” for those trucks transiting through the town on VSH 3/Main Street. Trucks entering from the White Stone direction from the south would be asked to turn left onto Harris Road and continue on the bypass James Jones Memorial Highway around town. For trucks traveling south on VSH 3, they would be asked to do the same thing. He stated it is a little longer and not a perfectly straight road, but does have on average a higher speed limit than VSH 3/Main Street and three fewer lights. The Town Council believes it is a more acceptable alternate route and will reduce a lot of trucker trailer traveling through the heart of downtown Kilmarnock. It is a safety issues for the citizens conducting business or simply going to lunch. Again, he believes it is a reasonable request and understands it will impose some small hardship on the truckers who will be required to take the alternative route.

Mr. Pennell asked about the truck attempting to get to VSH 200 traveling to Burgess, how will that be addressed?

Mr. Saunders stated it will not affect trucks making local deliveries, including the trucks going and coming from the granary. This is strictly for those trucks traveling through town not stopping and using Kilmarnock as a throughway.

Mr. Beauchamp stated that was one of his concerns, but is it appropriate to add wording that trucks coming down VSH 200 are not considered through trucks.

Mr. Pennell stated that would be appropriate and could be added during the motion if the board decides to approve the resolution.

Mr. Saunders stated he wish they would have included that wording and would support adding the appropriate language.

Mr. Geilich stated there are already truck route signs coming from White Stone toward Kilmarnock going up Harris Road. Are there any regulations in affect already?

Mr. Saunders said it is a voluntary truck route, not an enforceable truck route.

Mr. Geilich asked if the signage will change and how will it change.

Mr. Trapani stated the regulatory signs will be white with black lettering.

Mr. Saunders said if the board votes to approve the resolution, VDOT will do a thorough investigation. He said one of the elements with putting this in affect, is that the town agrees to provide the enforcement.

Mr. Jenkins asked what the definition is and what type of truck under this regulation would be allowed to travel through the town.

Mr. Trapani stated that a truck with three or more axles would fall under the regulation.

Mr. Jenkins stated that a dump truck would be required to use the alternate routes. He stated that right on the outskirts of Kilmarnock, a large contractor doing excavation is located and who contributes to the town by being an active member of the Kilmarnock Volunteer Fire Department. Have you taken into consideration or talked to that individual about the burden this would place on his operation?

Mr. Saunders said a dump truck would be required to use the alternate route and he has not spoken to that individual.

Mr. Geilich stated the resolution is merely to support the Town of Kilmarnock's request and the professional engineering standpoint from VDOT will be the deciding factor.

Chairman Beauchamp opened the public hearing.

Rodger Failmezger, Professional Civil Engineer, and from an engineering prospective, a truck weighs approximately 10 – 20 times more than a car. All pavements are designed for trucks as cars contribute little to the thickness of the pavement. The proposed route is a secondary road and will require some significant upgrades to satisfactorily handle truck traffic. Trucks should be driven on the widest and straightest roads. The proposed route is very narrow and has a lot of curves and grade changes. He does not believe it is suitable for trucks. He suggested construction of a four lane eastern by-pass that would tie into VSH 200 going to Burgess would make more sense. The existing truck route/by-pass is too narrow and that is the why truck drivers do not want to use them. It is simply not safe.

Mr. Trapani said part of the process, if the resolution is passed by the Board of Supervisors, is to do the study. VDOT looks at the secondary route and the characteristics and safety concerns of the roadway. There will be a chance for public comment during the study and notices will be posted in Kilmarnock with VDOT contract information.

Thomas Tomlin, Northumberland Board of Supervisors but speaking as an individual not as board because the Northumberland Board of Supervisors has not taken a position on this matter, stated he has a number of concerns because his district starts on VSH 200. Based upon what he has heard from the Town of Kilmarnock, he does not have a problem, if that is exactly where it ends. VDOT would have to change signage to say no through trucks, but the sign will not say from or how is where truck can enter, in order to get to Northumberland. He stated according with the “Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highway” the Lancaster County Board of Supervisors needs to consider and VDOT will have to approve that there is a reasonable alternate route provided and the character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. The roadway is not residential in nature. He asked if the route starting from James Jones Memorial Highway to the Bank of Lancaster is considered residential. For a roadway to be considered residential there would need to be 12 dwellings per 1,000 feet of roadway within 150’ of the existing roadway center line. The roadway needs to be functionally classified as either a local or collector and VSH 3 is a primary route. If the Northumberland side will not be impacted, Chief Beddell would need to be located at the intersection of VSH 3 and VSH 200 because if he is sitting at the Bank of Lancaster or south and sees a truck that meets the definition of three or more axles, how can he be sure that is a person from Northumberland or not coming from west on VSH 3. Would this be considered a truck trap? He asked what would happen if Glenn Lester was traveling from Wicomico Church on VSH 200, he can travel through town, but Earth Resources would need to travel the alternate route. He continued to give scenarios on how it could affect businesses, timbering companies, or someone moving to Northumberland. Again, he stated if this does not affect Northumberland, he is fine with the no through trucks; however, there are a lot of questions and concerns to be answered and clarification is needed on the “Through Truck Prohibited” signs.

Jackie Brown stated she has a shop on Main Street and previously served on the Town of Kilmarnock Street Committee and said the town spent a lot of money on traffic calming measures and pedestrian safety. There are trucks speeding through town, windows in the shops shake and it is not safe.

Shawn Donahue, Town of Kilmarnock Council Member serving as chairman of the Streets Committee said it was a unanimous vote to recommend to the board of supervisors that the town should move forward and enforce the no truck traffic through town on Main Street, because trucks are traveling at high speeds and it is simply not safe. He stated VDOT, in good faith, erected the Truck Route sign in order to try to help with downtown Kilmarnock. If nothing is done now, the town will be return in another five years with the same request.

Charles Costello said he understands that James Jones Memorial Highway is a narrow road and knows that trucks should be able to maneuver on narrow roads. It is not a great distance being added to the truck driver travels by utilizing the alterative route. He stated he supports the Town of Kilmarnock request.

Dana Gilmore said this is a “no brainier” and should have been done years ago; because that was the purpose the James Jones Memorial Highway was built. He supports the Town of Kilmarnock’s request.

Chairman Beauchamp closed the public hearing.

Dr. Russell stated he, too, believes it is a “no brainier” when you talk about commerce and safety. He said he supports the “No Through Truck” request made by the Town of Kilmarnock.

Mr. Geilich said he hopes that if the Board of Supervisors grants the request that the VDOT study will alleviate some of the concerns about trucks traveling on Harris Road and how it will affect the hospital traffic. However, he believes that VDOT will address this in their study.

Mr. Beauchamp asked about the time frame to complete the study.

Mr. Trapani said it is an approximately six month process and other public hearings will be held.

Mr. Palin asked VDOT if they have ever seen anything like this with VSH 200 a “No Through Truck” and how has it been resolved.

Mr. Trapani said he has not, nor has he seen a “Through Truck Restriction” sign modified which will be studied by the traffic engineers.

Mr. Beauchamp stated it may not be possible to determine where a truck was traveling from.

Mr. Jenkins said he has sympathy with the desire of the Town of Kilmarnock, understands why they made the request, and appreciated the tremendous investment they have made by not only improving the town but the amenities of the county. He does not see this as a “no brainier,” there are too many questions and he would have to abstain for lack of complete information. He has not been given any information on the safety of trucks coming in from the east on VSH 3/Mary Ball Road can safely negotiate on to VSH 1036/Harris Road and hear no comments on any improvement to the sharp curve on VSH 1036/Harris Road nor any comments on the effects at the intersection of VSH 201/Irvington Road and VSH 1036/Harris Road. Nor has he heard comments on what trucks are allowed to go where, depending on where they are traveling from, or where it is traveling to. This could be a good idea, but he believes the by-pass is not a viable by-pass. He stated he does not have enough information, because of the number of concerns and unanswered questions.

Mr. Beauchamp asked Mr. Trapani if they could get a summary analysis without taking six months to address some of the concerns or is the only way to proceed to obtain answers for this board.

Mr. Trapani said what VDOT is looking for is the guarantee that it is has to be enforceable which needs to be included in the resolution and that will be addressed in the study. It is a very intensive study, a lot will be reviewed and all the concerns and questions will be addressed.

Dr. Russell asked Mr. Trapani if there was a possibly that the Board of Supervisors approve the resolution and VDOT find that this is not feasible.

Mr. Trapani said that is correct. The final authority rests with the Commonwealth Transportation Board based on the state traffic engineer's recommendation.

Mr. Pennell said this would be enforced by the Town of Kilmarnock Police.

Mr. Palin asked Mr. Saunders if he believes the Town of Kilmarnock can enforce the no through trucks and how this would be done.

Mr. Saunders said yes and the way it can be enforced would be to have officers on both ends of the town identifying the trucks entering through the restricted area and if it occurs within a certain period of time, or if they have not stopped in town. If trucks enter from VSH 200, Irvington Road or any other side street they are exempt from any type of enforcement. He said officers will not be at both ends of the town every day but they are committed to enforcing the through truck restriction.

Mr. Jenkins said if the town was committed to that type of enforcement than the issue that has been stated by a member of council and member of the streets committee that trucks go through at 50 mph would not be an issue. Because if officers are positioned at each end of town to see if a truck is traveling through town, why could the officers be in a position to stop the speeding trucks?

Mr. Saunders stated Chief Beddell and the Kilmarnock Police Department do enforce the law.

Mr. Jenkins stated the Chief has limited resources and the same lack of resources from having a truck speed through town, which would cause a problem with giving equal enforcement of the through truck restriction.

Mr. Saunders said Town Council has authorized the town police to enforce the through truck restriction.

Mr. Jenkins said the Kilmarnock Police do a fine job.

Dr. Russell made a motion to approve the Through Truck Restriction and make a recommendation to the Virginia Department of Transportation as required by the VDOT Board of Supervisors' manual and adopt the Resolution for the Town of Kilmarnock Through Truck Restriction.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Abstain
	Ernest W. Palin, Jr.	Abstain
	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 December 30, 2010 and 2011 Organizational Meeting held December 30, 2010

Recommendation: Approve minutes as submitted

B. Board of Zoning Appeals Report of Activity for 2010

Recommendation: Accept report as submitted

C. Wetland Board Activity Report for 2010

Recommendation: Accept report 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 January 2011 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the salaries for January 2011 in the amount of \$228,749.63* and Invoice Listings for January 2011 in the amount of \$2,046,602.57*.

*Judicial Center Expenses \$158,349.71

*Capital Improvements \$242,477.60

*Loan Payments \$1,190,818.08

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 said he would like to take an opportunity to recognize and welcome Ella Davis, Chair of the Lancaster County School Board.

2. Request for Exemption of Real Estate and Personal Property Taxes – Mr. Pennell said Ms. Peggy P. Garland, Secretary, Historic White Marsh Church, Incorporated had 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 Ms. Garland would like to withdraw this request at this time and have the Board of Supervisors hear this issue at a later date.

Mr. Jenkins made a motion to table the request for Exemption of Real Estate and Personal Property Taxes made by Historic White Marsh Church, Incorporated.

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

3. Planning Commission Request for Guidance – Proposed Ordinance to Co-Hold Conservation Easements – Mr. Gill presented a Proposed Ordinance to Co-Hold Conservation Easements as directed by the Planning Commission to determine if it is necessary.

Mr. Gill said the Planning Commission seeks further direction from the Board of Supervisors. By consensus, the Board directed the Planning Commission in March 2010 to pursue the issue of co-holding conservation easements with the Northern Neck Land Conservancy (NNLC), but requested that any co-hold agreement be by ordinance instead of resolution. After studying the issue for several months, the Planning Commission does not believe an ordinance (or resolution) is needed at this time. That decision was based on the fact that the County *already* encourages the use of conservation easements (and mentions the NNLC by name) in Chapter Two of our Comprehensive Plan, as well as the

fact that the County *already* has the right, but not the obligation, to take action affecting conservation easements located in Lancaster County per the Code of Virginia Section 10.1-1013(7) without any co-hold agreement in place. The bottom line is that if the County enters into a co-hold arrangement (whether by resolution or ordinance) it will *obligate* the County to the possible expenditure of taxpayer funds to defend legal challenges to conservation easements in the future.

Mr. Gill stated the Planning Commission requests the Board to provide guidance in one of the following ways:

- 1) If the Board is against the possible expenditure of taxpayer funds to defend legal challenges to conservation easements in the future, direct staff and the Planning Commission to stop working on a proposed ordinance.
- 2) If the Board is willing to consider/commit to the possible expenditure of taxpayer funds to defend legal challenges to conservation easements in the future, direct staff and the Planning Commission to continue drafting an ordinance to be considered by the Board at a later date.

Mr. Gill said he has included the minutes from the November 18, 2010 Planning Commission meeting, letters from County Attorney Jim Cornwell and NNLC's attorney Lee Stephens, and a recent email from Joe Thompson, Field Director for the NNLC for the board's review.

Joe Thompson, Field Director for NNLC stated Mr. Gill has given a great summary with relaying the information and done a lot of work on this issue. He stated the benefit to the county is for the constituents who now have acreages that would be eligible based on the conservation value for conservation easement but cannot obtain an easement due to the requirements of minimum acreage. The risk is that there is a possibility in the future that if and when an easement is challenged the county would be responsible for that defense. There has never been a court case that has gone forward in

Virginia challenging an easement held by a county. In the document used for the deed of easement, if in fact there is a challenge and if the easement is upheld the challenger is required to pay all legal expenses for the county for the defense.

Mr. Jenkins asked if the deed of easement is successfully challenged in court and set aside by a court, can that provision of the easement be enforced.

Mr. Thompson said if it is challenged and in fact the easement is upheld. If the challenge is defeated, in that case the land owners has agreed in that part of the easement that they or future land owner will be bound by repayment of the those costs.

Mr. Jenkins asked would that still be at the discretion of the court.

Mr. Thompson said that is their understanding.

Mr. Jenkins stated if a challenge is so rare, why does the county need an easement?

Mr. Thompson said he needs to make it very clear to the county, that there is possibility; however, the probability is very low.

Mr. Beauchamp said he recalled a statement that if the county does not want to be the co-holder of conservation easement, the NNLC could go out and find someone else.

Mr. Thompson said the first avenue of pursuit for an easement holder is generally with a state organization, Virginia Department of Forestry, Virginia Outdoor Foundation, Department of Historic Resources, all of those entities have the Attorney General's office at their disposal for defense. They provide the ultimate defense for an individual and that is who the NNLC looks for. Again, there are many situations where an individual does not have the acreage that would qualify them for the type of conservation values, but the Forestry Department is, without a doubt, interested in working timberland, Historic

Resources is interested in historic structures or properties and they do not accept lands that do not meet those requirement and the minimum acreage requirement.

Mr. Beauchamp asked what if the county was a co-holder of the conservation easement and there was a challenge 25 years later and the existing Board of Supervisors said they choose not the challenge.

Mr. Thompson said the county would be legally bound. However, the county has the right to decline anything the NNLC brings if it appears to have controversial issues; the county is not bound to accept an easement.

Mr. Thompson thanked the Board of Supervisors for their time and for continuing to work on this issue.

Mr. Geilich said he would like to proceed and take the very small risk. He believes the value of an easements to the general community outweighs any potential risk since each transaction would be carefully evaluated as it was reviewed.

Mr. Beauchamp asked about a report from James Cornwell, County Attorney where there was a county involved in a \$100,000 cost to defend a conservation easement.

Mr. Gill said Mr. Cornwell submitted a letter to the Planning Commission and said he discussed this matter with attorney for the Virginia Outdoors Foundation and he reported litigation in another jurisdiction concerning only the issue withstanding to enforce an easement, which was a result in the cost of fees to the holder of the easement in excess of \$100,000.

Dr. Russell stated he is a big supporter of conservation easements, but at the same time this would provide for smaller parcels. How much smaller?

Mr. Gill said this would allow smaller parcels to be accepted into a conservation easement. He stated generally the Virginia Outdoor Foundation will accept only 100 acres or larger, if the county was a co-holder with NNLC it would open the door for smaller acreage.

Dr. Russell asked if the Board of Supervisors does nothing, what would the county be missing out on.

Page Henley said he believes the citizens of Lancaster County would be missing an opportunity to have a smaller tracts of 10, 20, 30 acres. There are a lot of small pretty points that families have had in the families for generations and would like to see preserved. That would be an option given to those constituents that they currently do not have. The Department of Forestry requires a minimum of 50 acres of which 75% has to be in timber. If provided, this would be another option to a land owner with a small tract if they so elect. Conservation easements are totally voluntary between the land owner and co-holder. It benefits citizens with the opportunity other counties in the Northern Neck already have.

Mr. Geilich asked if there was a local tax implication when granting an easement.

Mr. Pennell said there is tax implication but not to the locality.

Mr. Gill stated he spoke with Sonny Thomas, Commission of the Revenue and was provided with a study conducted by the Middle Peninsula Planning District Commission, the summary indicated that the tax revenue impact of conservation easement is less than .54% of any given Middle Peninsula annual budget.

Mr. Jenkins said they are very good at taking instructions although he believes there are a majority of the commission that would vote again for an ordinance versus a resolution. He said citizens do not have an input with a resolution.

Mr. Beauchamp stated he still has some concern about potential obligations. He understands the potential is very small, but the tax payers of the county would be responsible to defend a situation 20-25 years down the road.

Mr. Palin stated that has also been a concern of his.

Mr. Thompson said this deed of easement will be recorded just like a deed. He believes that the case which cost a locality funds was outside of Virginia.

Mr. Geilich made a motion to move forward on the Proposed Ordinance to Co-Hold Conservation Easement.

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

BOARD REPORTS

2011 Redistricting Committee

Mr. Geilich made a motion to appoint David Dew and Lloyd B. Hubbard to the 2011 Redistricting Committee representing District 3.

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 Alexander McD. Fleet 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

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 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