

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 29, 2009.

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

Dr. Russell called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

**LPS Playground Committee Letter of Support Request**

Cindy Clarke as Lancaster Primary School Playground Committee Chairman, appeared before the LPS Parent Teacher Association and received permission to submit a grant request to obtain funding to upgrade the playground equipment at the primary school. She has gotten letters of support from Susan Sciabbarrasi, Superintendent, and Lori Watrous, LPS Principal. She asked the Board of Supervisors for a letter of support to be submitted with the grant application.

By consensus of the Board of Supervisors, the county administrator will prepare a letter of support for the grant application package.

**Budget Concerns**

Dana Gilmore stated he has a history of chewing on the school system for its budget performance in the past, so it's only fair to give kudos on their 2008 performance. They have performed well, stayed within their budget and under ran just a little. As a taxpayer he is grateful and Ms. Sciabarrasi and Ms. Salg should get gold stars for their efforts as they have done an excellent job on their first full term of performance. After performing a quick review of the Annual Report, the School Board under ran by approximately \$284,000. In the Annual Report the biggest overrun on actual verses projective was from the Board of Supervisors which had a revised budget increased from \$45,000 to \$50,000 spent \$118,000 which is a 135% over but sure there an explanation for the overrun. But on a functional area of the budget is public safety, specifically the Sheriff's Office. They over spent on the revised estimate by almost a third of a million dollars. He not sure if the department has checking accounts, credit cards, or etc. but he spent \$2.5 million on a \$2.2 million revised estimate which is a 14.2% overrun and this is unacceptable. If he has checking accounts and/or credit cards take them away because this department spending needs to be reviewed and brought under control.

Mr. Pennell said with respect to the Board of Supervisors there is a contingencies line item, so during the year when special things come up in which the Board approves it goes into the contingencies line item.

## **PRESENTATIONS**

1. Introduction of the 2009 President of the Virginia Association of Counties – Mr. Hart, Accomack County Board of Supervisors and President of the Virginia Association of Counties said he wanted to make Lancaster County on of his first visit. Lancaster County is very important to VACo as it is one of 95 counties. The VACo Executive Committee is made up of seven members and five are from rural counties this year. He stated Bill Pennell, Lancaster County Administrator, carries the county flag proudly and well as he is a fighter for the rights of small and rural counties. He said he was elected to the Accomack County Board of Supervisors at the age of 24 and has been on the board for 29 years. Some of the

goals he has set as VACo President are to develop a closer relationship and be more accessible to every county. This year he is trying to keep VACo working to achieve success and meeting with state and federal hoping to see the stimulus package put in place.

2. Robinson Farmer Cox Associates – 2007 – 2008 Annual Audit Report – Mr. Paul Lee presented the 2008 Audit and explained the changes made in the audit this fiscal year. He stated Exhibit 1 and 2 are done on a full accrual basis. The county's net assets went up which means gaining capital assets faster than things are being depreciated. But the board should not want to budget on that as this is not cash flow. He said the tax collection percentage was 99.5% and there is an analysis over the past ten years of collection provided in the audit. There were no problems with the audit this year. There was one manager's note given, they would like the Board of Supervisors and School Board to adopt a county accounting policies and procedures manual which would govern the day-to-day transactions that the staff undertake.

Mr. Geilich asked considering the current economic status, do you foresee any problem for our county within the next couple of years?

Mr. Lee said some localities see a decrease in sales tax because the money is not coming in.

Mr. Geilich stated essentially this is a service economy here in Lancaster County.

Mr. Pennell stated the Financial Steering Committee along with Mr. Larson and himself will be working on the county policies and procedures manual in conjunction with Ms. Sciabbarrasi and the School Board.

3. Judicial Center Final Site Location – Mr. Randy Vaughan, Wiley & Wilson, principal architect for the design of the new judicial center presented a final site location/configuration for the new judicial center building for the Board of Supervisors approval. Mr. Vaughan provided the Board of Supervisors with three preliminary site designs.

Mr. Vaughan stated he would briefly go over the following agenda items: project background, project overview, project budget, and project schedule. He stated they submitted Collaborative Report to the county on May 10, 2007, authorized final design of the new judicial Center on August 28, 2008, the survey was completed on November 20, 2008, site options were submitted to the county on December 4, 2008, and the schematic design is currently underway. He gave a project overview and stated that all three courts and their staff, commonwealth attorney, victim/witness officer; probation officer will all occupy the new judicial center. When this process began, security was a major issue and those elements have been incorporated. There will be secure holding cells and a walkway to connect to the jail. He continued to explain the site options, layout and elevation of the building. He explained where the entrance would be located and they would be meeting with Virginia Department of Transportation to ensure that the commercial entrance is up to code. A manual was provided to each Board of Supervisors member with greater details.

Mr. Pennell stated he has already talked to Virginia Department of Transportation staff about the “Y” intersection and anticipates a change.

Mr. Vaughan stated the Board of Supervisors has to commit to one of the options in order for them to move forward with the work.

By consensus of the Board of Supervisors, to go forward with option three.

Mr. Vaughan stated the project budget was estimate at just over \$7 million, but because of the market conditions, the project could come under that cost slightly.

Mr. Vaughan said the project schedule could be to put out for bids in May 2009 and be under construction by the end of summer, with a completion date of February 1, 2011.

Mr. Jenkins stated because of the economic state, if the county acts quickly the cost of construction could be lower.

Mr. Vaughan stated in other localities, a committee is formed and consist of two board members and the county administrator in order to be able to continue with the construction process more smoothly and then get the information to the remaining board members.

By consensus of the Board of Supervisors, have Mr. Geilich, Mr. Beauchamp, and Mr. Pennell will serve as Courthouse Committee Members. Each of the Board of Supervisor members will receive all information and their input will be submitted to the committee.

4. D. Scott Hudson – Recognition of Achievement – Mr. Beauchamp stated Scott Hudson, Chief of Emergency Services, has recently been awarded the distinction of Certified Emergency Management Assistant.

Mr. Beauchamp said the Virginia Department of Emergency Management makes this certification. To qualify for consideration a person must complete sixteen courses requiring fifty hours of course work. This certification is not a job requirement but was pursued by Chief Hudson on his own initiative so that he might provide a higher level of service to the citizens of Lancaster County. Chief

Hudson is not only the first but the only one to earn this distinction in the Northern Neck.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### New Judicial Center

Mr. Trapani stated he has been contacted by the engineers about the new judicial center site plan.

### Six Year Plan Update

Mr. Trapani said they just received the Secondary Six Year Plan information and numbers and unfortunately there will be a \$1.3 million decrease in the budget. He provided the Board of Supervisors with a package and explained that state money is used on maintenance first.

Mr. Jenkins asked if all localities (i.e. Hampton Roads area) are being cut out of state funding.

Mr. Trapani said yes.

Mr. Trapani said the Primary Six Year Plan process has been extended and a meeting has been schedule for next week and unfortunately there is a decrease in funding as well.

### VSH 618/Nuttsville Road

Mr. Palin requested a speed study on VSH 618/Nuttsville Road near the Old Post Office were the speed limit is currently 45 mph and citizens would like to know if the speed can be reduced to 25 mph.

Mr. Trapani stated he would submit the speed study request.

VSH 637/James Wharf Road

Mr. Beauchamp asked about the status of a speed study request on VSH 637/James Wharf Road.

Mr. Trapani stated there was nothing report to date.

**PUBLIC HEARINGS**

None.

**CONSENSUS DOCKET**

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

A. Minutes for December 22, 2008 and 2009 Organizational Meeting

Recommendation: Approve the minutes with amendments

B. Board of Zoning Appeals Report of Activity

Recommendation: Accept the report as submitted

C. Wetlands Board Report of Activity

Recommendation: Accept the report as submitted

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

F. W. Jenkins, Jr. Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of January 2009 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for January 2009 in the amount of \$208,987.81 and Invoice Listings for January 2009 in the amount of \$1,055,545.74.

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

2. Commonwealth of Virginia – Permit Levy Increase – Mr. Pennell stated county staff recently received the a memorandum from the Virginia Department of Housing and Community Development which has been provided to the Board of Supervisors that notifies all Virginia municipalities that the Board of Housing and Community Development has increased the levy to localities enforcing the Uniform Statewide Building Code from 1.75% to 2%.

Mr. Pennell said in his opinion this seems to be a “back-door” effort to raise taxes during a recession. While some may call this a user fee it nonetheless is a tax increase. He finds it astonishing that the Governor of Virginia would permit one of his executive agencies to increase fees on counties/citizens during this period of recognized economic strife, particularly in the area of home building and related construction activities – the very focus of the government’s infrastructure stimulus endeavors.



Mr. Pennell asked the board to provide guidance to county staff to:

- a. Continue to pay this levy through direct county payment.
- b. Begin to charge permit applicants the levy directly.
- c. Correspond with the Director of DHCD, the governor and the county's legislative representatives that this amounts to a tax increase during a recognized recession.

Mr. Jenkins made a motion to have the County Administrator correspond with the Director of DHCD, the governor and the county's legislative representatives that this amounts to a tax increase during a recognized recession.

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

- 3. Eagle Landing Subdivision Road Bond Release – Mr. Gill presented a release of the road bond issued for the Eagle Landing Subdivision located in the Merry Point area in Voting District 2.

Mr. Gill said an \$87,153 bond is currently held by the County (expiration 2/23/09) to guarantee the construction of these subdivision roads to VDOT specifications. The Board of Supervisors passed a resolution on November 24, 2008 requesting VDOT to accept "Talon Court", which was the last remaining road in the subdivision requiring acceptance into the state system. Confirmation was received by fax (a copy was provided to the board) from VDOT's Asset Management Division on 1/26/09 of Talon Court's acceptance. As a result, the developer, Delmarva Properties, Inc., has requested the bond be released since all

roads within the subdivision have now been accepted into the state secondary system of highways.

Mr. Palin made a motion to approve the release of the bond as all roads within the subdivision have now been accepted into the state secondary system of highways.

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

### **BOARD REPORTS**

The board requested that the status of some of the appointments to boards and commissions be reviewed.

Mr. Pennell said it appears as though the state is going to do away with the Disability Services Board.

### **COUNTY ADMINISTRATOR**

#### **Real Estate Assessments Reduction Request**

Mr. Pennell stated he received a letter from Kilmarnock Town Council on December 18, 2008 requesting that the Board of Supervisors consider the reduction of real estate assessments in light of the economic situation. He said the board can not do this as it is a violation of the Constitution of Virginia and other state laws.

Mr. Pennell asked the board if he should offer to attend the next Town of Kilmarnock meeting and explain the requirements and relationship of property assessments and tax levies.

By consensus of the Board of Supervisors, authorized the County Administrator to offer to appear at the next Town of Kilmarnock meeting and inform them of the necessary information.

Budget Work Session

Mr. Larson stated the due date for budget information submissions is January 30, 2009 and the board needs to schedule a budget work session for early February if possible.

By consensus of the Board of Supervisors, a budget work session was scheduled for Wednesday, February 11, 2009 at 3:00 p.m.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp at to move to the County Administrator's office to Closed Session permitted by Virginia Code Section 2.2-3711.A.3 to discuss Acquisition of Real Property.

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

**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 Real Property, §2.2-3711.A.3 of the Code of Virginia. The purpose of the closed meeting is to discuss acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 of the Code of Virginia.

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

**RECONVENE**

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

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| VOTE: | Jack S. Russell      | Aye |
|       | Ernest W. Palin, Jr. | Aye |
|       | Peter N. Geilich     | Aye |
|       | B. Wally Beauchamp   | Aye |
|       | F. W. Jenkins, Jr.   | 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 Real Property for the purpose to discuss acquisition of real property

for public purpose or the disposition of government owned property where public discussion would jeopardize the County's bargaining or negotiating position in accordance with §2.2-3711.A.3 of the Virginia Freedom of Information;

**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**

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

F. W. Jenkins, Jr.                      Aye

This certification resolution is adopted.

There was not action taken following the closed session.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn.

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