

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, February 26, 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**

Nick Ferriter stated he lives on Greenvale Creek in District 1 gave a brief update. He thanked Mr. Pennell for his efforts to get Greenvale Creek dredged and hopefully it will happen on a time schedule he envisions. A draft Greenvale Creek Total Maximum Daily Load (TMDL) implementation plan will be discussed with Department of Environmental Quality (DEQ) and DCR on Tuesday, March 3, 2009 at 6:00 p.m. He believes it would be more efficient if the Total Maximum Daily Load (TMDL) implementation plan was done on a countywide basis.

**PRESENTATIONS**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Countywide Maintenance**

Mr. Trapani stated they are currently doing regular maintenance.

### VSH 622/Nuttsville Road

Mr. Trapani stated a speed study request on VSH 622/Nuttsville Road has been completed and the road does not warrant a reduction.

### VSH 637/James Wharf Road

Mr. Trapani stated the speed study request for VSH 637/James Wharf Road has not been completed yet.

### Speed Reduction between White Stone and Irvington

Mr. Beauchamp stated he has had a number of complaints from citizens and the Town of Irvington's Mayor about the speed reduction from 55 mph to 45 mph between White Stone and Irvington because of ticketing.

Mr. Trapani stated a speed study was requested on that section between White Stone and Irvington and after the study was completed it warranted a speed reduction from 55 mph to 45 mph. They would get a speed/radar cart out to that location within the next couple days to make individuals aware of the speed change.

### Press Release/VDOT Budget Cuts

Mr. Trapani provided the Board of Supervisors with a copy of the VDOT Press Release. He stated he is making the board aware of the budget reduction on the Secondary Six-Year Plan. They will have to balance their budget and will be focusing on emergency response maintenance and operations.

Mr. Quintin Elliott stated there is bad news as the Commonwealth Transportation is facing a \$2.6 billion shortfall over the next six years. He said since the Six-Year Plan was adopted in June 2008 there was \$1.1 billion reduced from the program. What that

did was to reduce the Secondary Six-Year Plan and Primary Six-Year Plan by 43%. This time \$2 billion is coming out of the Six-Year Plan which is forcing them to make a lot of changes. The Six-Year Plan it has impacted over 800 projects statewide, this has made a significant impact to the program and forces them to make adjustments in several areas. There are three areas will focus on are construction, maintenance, and administration. Under the maintenance program they are proposing reductions in welcome centers and rest areas, reduction of ferry services in the state (Jamestown/Yorktown, Lancaster, Northumberland, and Albemarle County), and reduction in mowing services.

Mr. Jenkins asked specifically what he meant by reduction of ferry services.

Mr. Elliott said they will look at savings that can be made by running the ferry less then they do today. There will be a meeting held on Marcy 31, 2009 at 6:00 p.m. at the Lancaster Community Library and the Commissioner will be on hand to answer and questions and concerns.

Mr. Jenkins asked about the number of hours that are in the proposed reduction.

Mr. Elliott stated they are talking about reducing the ferry service in half. He said when looking at a \$2.6 billion reduction its not just impacting ferry service. The agency has to reduce staffing by 1,000 full-time employees and 450 part-time employees in an attempt to balance the budget. He stated these are very tough times and the proposed cuts on the ferry and other services.

Dr. Russell asked how much would be saved on the reduction of ferry services.

Mr. Elliott said statewide they spend approximately \$12 million to operate the four ferries.

Mr. Jenkins asked VDOT not to include Lancaster County ferry with Jamestown/Yorktown. He stated not to insult our intelligences by comparing the

Jamestown Ferry with the Merry Point Ferry services provided here in the county by VDOT.

Mr. Elliott stated this is the type of input needed when the public information meetings are conducted, in order to get feedback on community. The proposed plans are not final which is the reason community input is vital. Once all the public information meetings are held the input will be evaluated and final recommendations will be made to the Commonwealth Transportation Board and they will vote and adopt any proposed reductions.

Mr. Pennell said he believes that one of the reductions of services announced is the removal of dead animals in the roadway. The continuation of this service is not negotiable.

Mr. Elliott stated the budget has to be balanced and unfortunately that means reductions in services.

Mr. Jenkins said the removal of dead animals from the roadway is a safety issue, as we are talking about large animals here in Lancaster County. If the dead animals are not removed from the roadway it is a safety issue as it endangers the public. This goes again everything this board and VDOT chartered to do which is to provide safe passage for the citizens of this Commonwealth.

Mr. Jenkins made a motion to instruct the County Administrator to draft a Resolution to the Governor, Speaker of the House, House of Delegates, State Senate, and Legislators objecting to Virginia Department of Transportation approach to reducing the ferry and the removal of dead animals.

VOTE:	Jack S. Russell	Aye
	Ernest W. Palin, Jr.	Aye
	Peter N. Geilich	Aye

B. Wally Beauchamp           Aye  
F. W. Jenkins, Jr.               Aye

**PUBLIC HEARINGS**

1. Amend Elderly/Disabled Real Estate Tax Exemption – Mr. Pennell said during last year’s budget deliberations, the Board of Supervisors asked county staff to work with the Commissioner of the Revenue to update the amount of elderly/disabled real estate tax relief.

Mr. Pennell stated he as discussed this matter with Mr. Thomas, Commissioner of the Revenue and they recommend the real estate tax exemption for elderly/disabled citizens in Lancaster County as follows:

Any person or persons qualifying for an exemption shall be exempt from taxation of real estate based on income to the extent indicated herewith:

Total combined income	Percent exempt from tax
Less than \$14,000	100
\$14,001 to 16,000	80
\$16,001 to 18,000	60
\$18,001 to 20,000	40
\$20,001 and above	0

In no case shall the annual exemption exceed \$400.00

Chairman Russell opened the public hearing.

Dorothy Hughes said the amount of money that you can earn and be classified as elderly and receive the discount on the outrageous taxes that has been imposed that has tripled. She stated she would have to get a loan to pay the taxes

and no banks are giving out loans now. She would be considered elderly. She lives in a fourth generation home and the taxes are \$1,500, it's a small house on the water and her father was a waterman. She said anyone that gets social security and/or retirement benefits will not qualify. After attending a number of meetings, she understands Virginia citizens are not able to have the homestead exemption because there is a process to that. Hopefully the Board of Supervisors can come up with some other method to assist the elderly; otherwise they will be losing their homes. Maybe, the board can come up with an elderly/disabled program for those who made \$100,000 on their primary residences get a 50% exemption for those on a fixed income.

Mr. Costello said in no case shall the annual exemption exceed \$400.00 with a total of 41 qualified individuals equal \$16,400.

Chairman Russell closed the public hearing.

Mr. Jenkins stated there is unfairness. Supervisors are elected by district but serve the entire county. Houses are appraised out of market; do not dismiss Mrs. Hughes' thoughts. He said an increased assessment does not put extra money in the pocket. Rather than passing something that would only benefit the very lower tier of our economic status and not help abate the escalation of the loss of our traditional families. He suggested that the board revisit this ordinance prior to taking action at this meeting.

Dr. Russell stated he recognized as much as anyone else that we have a big division in what's going on in the county in terms of income, whether or not its social security or from employment. We are at a point where we have the haves and have not's in terms of income. It's part of a bigger problem that's going to hit us harder because we have to support the county, but at the same time we are not taking in enough money because we do have jobs in the county. He stated the board can take another look at the ordinance but we also have to look at

some institution problems that are not just affecting our people but the government.

Mr. Palin said we are not talking about the value of the house, rather the income.

Mr. Geilich asked what percentage of the county's income comes from real estate taxes.

Mr. Larson stated approximately 65% – 70% and it's the only stable source of income.

Mr. Jenkins stated he has been on the board for 15 years and it seems as though the board always find a way to expand its needs to consume every penny of additional taxes. He said, whereas he is critical of VDOT and Legislators, he is critical not of this board but some of the boards he has been a part of. Maybe there is a difference between what is necessary spending and what some of us would like spend. There are some institutional problems. He asked the board not to necessarily get hung up on the statement made by Mrs. Hughes of \$100,000 on her primary residences or the 50% exemption, just reconsider what she is saying. Mrs. Hughes did not say she needs help paying her bills rather we are spending too much.

Mr. Geilich asked of the budget what percentages go toward the schools.

Mr. Larson said approximately 65% of the county budget goes to the schools and 12% for public safety.

Mr. Geilich stated those are essential services for the county and there has to be a balance.

Dr. Russell stated that county government does a pretty good job of the stewardship of taxpayers' money.

Mr. Beauchamp made a motion to Table the Ordinance Amendment for the Elderly/Disabled Real Estate Tax Exemption and asks the Commissioner of the Revenue and County Administrator to review this ordinance.

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

### **CONSENSUS DOCKET**

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

A. Minutes for January 29, 2009

Recommendation: Approve as submitted

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 February 2009 Salaries and Invoice Listings



Motion was made by Mr. Jenkins to approve the Salaries for February 2009 in the amount of \$207,935.71 and Invoice Listings for February 2009 in the amount of \$608,381.55.

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

2. Lancaster County Judicial Center Request for Geotechnical Investigation – Mr. Larson stated the Board of Supervisors needs to make a selection of provider of geotechnical engineering services for the Judicial Center.

Mr. Larson said Mr. Pennell sent a letter dated February 3, 2009 to three contractors that set forth twenty-one specific elements that were required in a geotechnical report. No one of the respondents was superior to another in terms of responsiveness. All seemed to understand the scope of work and, given previous projects completed (provided the board with a list); all are capable of performing the work. ECS Mid-Atlantic, LLC provided the lowest estimate of total cost at \$5,351.50 along with a detailed breakout of costs not provided by the other two respondents. S&ME Incorporated was next low bidder with a lump sum cost of \$9,500. Schnabel Engineering's proposed lump sum cost was \$11,100. ECS Mid-Atlantic, LLC and S&ME Incorporated made specific commitments as to start and completion dates whereas Schnabel did not. Given that timely completion of the work and cost are major considerations, further consideration of Schnabel would not be useful.

Mr. Geilich made a motion to approve the Selection of ECS Mid-Atlantic, LLC contingent on clarification of responsiveness to all required and/or necessary

elements of the request for proposal and authorize the County Administrator to execute the necessary documentation.

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

3. Pond Park Subdivision Road Bond Release – Mr. Gill presented a release of the road bond issued for the Pond Park Subdivision located adjacent to the Laurel Point Subdivision in District 2.

Mr. Gill said a \$20,000 bond is currently held by the County (expiration 4/24/09) to guarantee the construction of this subdivision road to VDOT specifications. The Board of Supervisors passed a resolution on December 22, 2008 requesting VDOT to accept “Pond Park Road” into the state system. Confirmation was received by mail (a copy was provided to the board) from VDOT’s Asset Management Division of 2/6/09 of Pond Park’s acceptance. As a result, the developer, Lancaster/Northumberland Habitat for Humanity, Inc. has requested the bond be released since the road has now been accepted into the state secondary system of highways.

Mr. Palin made a motion to Approve the release the road bond issued for “Pond Park Road” now that has been accepted in the state secondary system of highways.

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

4. Extend Bike Path Contract with VHB, Inc. – Mr. Pennell said for some time, a group of citizens have been working with Mr. Beauchamp and him to resurrect the bike path previously envisioned between Kilmarnock and Irvington. The group, now known as the Carter LaPrade Memorial Trail Committee, is planning a public/private partnership to complete a biking and walking trail.

Mr. Pennell stated the original design's (Middle School to Irvington Commons) construction costs exceed the funding available from the Commonwealth Transportation Board's ISTEA grant funding. By now moving much of this trail on to private property, it is expected that a trail can be built on (mostly) public right-of-way from the Middle School to Dream Fields. The committee is also considering a "leg" that will go from Irvington Road to the YMCA on Harris Road. There is a "leg" that continues from Dream Fields to Wilson Lane and then to the Golden Eagle property. From the point, the trail is expected to proceed on private property through the Golden Eagle and then into the Rappahannock Westminster-Canterbury property. The owners of these private properties are part of the trail committee and envision a trail that will be complimentary to their organizations as well as to the county and its citizens.

Mr. Pennell stated this contract is expected to cost between \$2,500 (retainer) and \$25,000 the upper limit of the contract. These funds will be available from the remaining ISTEA funding that is available.

Mr. Beauchamp made a motion to approve a contract amendment with Vanasse Hangen Brustlin, Inc. the original trail design professionals, to redesign a trail that can be bid to contractors. Authorize the county attorney and county administrator to negotiate this contract with VHB and execute the document when it meets our satisfaction.

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**

Appointments

Mr. Geilich made a motion to reappoint Sandra Smyre to the Social Services Board as a representative for District 3 for a four year term ending December 31, 2012.

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

Dr. Russell made a motion to appoint Vera Lee to the Social Services Board as a representative for District 4 to fill an unexpired four year term ending June 30, 2012.

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

Mr. Palin made a motion to recommend to Judge Taliaferro the reappointment of William L. Lee to the Lancaster County Board of Zoning Appeals as a representative for District 2 for a four year term ending June 30, 2013.

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

### Courthouse Committee Update

Mr. Palin asked about the progress of the new judicial center.

Mr. Pennell stated the Courthouse Committee which consists of Mr. Beauchamp and Mr. Geilich met with Judge Taliaferro, County Planning, Health Department and Highway Department staff and there were some minor changes and fine tuning of the design.

Mr. Geilich stated the preliminary design drawings will be presented on March 12, 2009.

Mr. Jenkins said he would appreciate anything that the Courthouse Committee could do to expedite the process.

### Personal Services Contract

Mr. Jenkins asked Mr. Pennell and Mr. Larson to analyze the county's services contracts.

By consensus of the board, Mr. Pennell and Mr. Larson will perform an analysis of the county's personal services contracts.

### **COUNTY ADMINISTRATOR**

Budget Work Session

Mr. Larson stated the board needs to schedule a budget work session for department input for consideration.

By consensus of the Board of Supervisors, a budget work session was scheduled for Tuesday, March 10, 2009 at 3:00 p.m. in the General District Courtroom.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn to the meeting until Monday, March 10, 2009 at 3:00 p.m. for a Budget Work Session in the General District Courtroom.

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