

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building of said county on Thursday, May 5, 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 5:30 p.m.

PRESENTATION

Mr. Pennell introduced and welcomed the new Chief of Emergency Services, Christina Lynn Hubbard.

Mrs. Hubbard stated she looked forward to working the Board of Supervisors in the coming years.

The Board of Supervisors welcomed Mrs. Hubbard.

Adoption of Fiscal Year 2012 Lancaster County Public Schools Budget

Mr. Pennell stated the Board of Supervisors had the public hearing for the proposed FY 2012 Lancaster County Public Schools budget at the regular April 28, 2011 meeting. One interested member of the general public suggested that the budget increase proposed was more than the consumer price index (CPI) and that it should be held to no

more than the CPI. All other comments were supportive of the budget presented. This meeting is for the board to consider approval of the subject budget.

Ms. Sciabbarrasi asked the Board of Supervisors to approve a lump sum budget and possible consider the escrow account for the schools at some point.

Dr. Russell made a motion to approve the local contribution to the Lancaster County School Division Budget and Cafeteria in “lump sum” amount of \$10,426,506 for FY11-12. The budget will be funded as follows:

\$10,426,506	Local Funding
3,090,259	State Funding and Sales Tax
1,324,830	Federal Funding
<u>186,696</u>	Other Funds
<u>\$15,028,291</u>	Total School Budget

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

2011 Decennial Census Redistricting

Mr. Pennell stated the Board of Supervisors held a public hearing at the April 28, 2011 meeting for the public comment on the 2011 Decennial Census Redistricting. As a result the county had to do some research and consulted with James Cornwell, County Attorney. He said Mr. Cornwell was present and available to answer questions and to discuss the redistricting concerns which were presented at the April 28, 2011 board meeting. He stated four maps were provided to each board member. The first map is the district as they are today, which were established in 2001 after the 2000 census,

containing the demographic data from the 2010 census. In District 4 there is a big difference in the numbers of that minority-majority district, particularly when factoring in the voting age population. He said the second map is the recommendations made by the 2011 Redistricting Committee to the Board of Supervisors which were also presented at the April 28, 2011 meeting. He stated the heavy black lines on every one of the maps are the districts as they appear today, the colors actual represent the changes recommended to the board by the 2011 Redistricting Committee. The data on bottom of the sheets represented the data applied to the recommendations by the redistricting committee based on general population and voting age population. The third map is the plan presented by Rev. Gayl Fowler who had Norfolk State University draw up the map. There were a number of problems with this plan, Dr. Russell would be moved out of his district (District 4), the incumbent District 4 school board member would be removed from his district, this plan would split the Town of White Stone and it would affect Mr. Palin (District 2) and Mr. Jenkins (District 1) in the minority-majority percentages. The fourth map was a plan developed by Mr. Rowe which seems to solve all of the problems/ concerns of Rev. Fowler's plan, i.e. maintaining two minority-majority districts with respect to voting age population instead of the general population. Lancaster County lost 176 people over the last ten year and 74 people lost were African-American. The population of Lancaster County is 70% white and 30% minority, which indicates the minority loss at 42%. This shows that the minority loss in Lancaster County exceeded the percentage of general population loss. It makes this difficult and challenging to maintain the two minority-majority district because of the increased loss of minorities.

James Cornwell, County Attorney stated he would like to begin with comments on the four maps which have been reviewed. He said on map one which is the 2011 Redistricting Plan, if the percentage was based on the voting age population the minority percentage would decrease in both District 2 and District 4. He compared the proposed plan to the existing plan, discussing how populations change and how it affects the minority population. The court decision on redistricting has a number of basic factors such as population equity, to stay within the allowable 5% deviation, compactness, ensure that the districts maintain communities of interest, maintain two minority-majority

districts protecting incumbents. He said Map 2 deviation percentages were very low which is good, however; not the overall factor. If the county redistricting is based on voting age population one must look at the regression in deviation, however; when redistricting by voting age population the numbers and deviations improve. There has been discussion about having 65% minority-majority and that percentage was imposed in a Louisiana town years ago where they were trying to rectify a situation which had been occurring for decades. By having the 65% was an attempt to rectify years or decades of imbalance. If Lancaster County wishes to create a minority-majority district with 65% it would have only one such district, which would be a regression. The county would go from two minority-majority districts to having only one. He stated a lot of hours and planning was put into creating the 2011 Redistricting Plan and the county needs to see how they can retain the two minority-majority districts while still looking at all the other factors. He stated Map 2 was an excellent plan but he had a concern with the percentage in District 4 of 49.61% minority voting age population. Looking at Map 3 which is the plan proposed by Rev. Fowler and created by Norfolk State University. He commended Rev. Fowler and Norfolk State University for the work they have done and more importantly for the interest taken in the county. He said the deviation changes substantially from Map 2, the percentage of minorities and whites and looks at the total voting age population. There is an improvement in Map 3 as the percentage went from 52.58% to 58.16% in District 2 and 49.61% to 52.78% in District 4. The problem with Map 3 is that it does not preserve the communities of interest as this plan splits White Stone and divides a community in District 4. This plan also moves an incumbent minority member of the Board of Supervisors out of his district (District 4) into District 5 which is a majority district. Is Map 3 better? Not really because of the other factors which were not met. Lastly, in Map 4, which was created on May 5, 2011, the population and deviation are a little higher than the other plans but lower than the 5% across the board to meet all the guidelines. The percentage of minorities for general population on Map 4 is 56.22% in District 2 and 55.80% in District 4, however; if the percentage was based on voting age population District 2 would be 53.49% and District 4 would be 55.8%. Again, Mr. Cornwell stated all factors must be looked not just the percentage and deviation. One of the major problems with Rev. Fowler plan is that the Board of

Supervisors minority member and the School Board member from District 4 would be moved out of their district. He said under the working plan (Map 4) the minority member of the Board of Supervisors and the School Board member remain in their respective district. He said incumbency is one of the things to consider. There are benefits and disadvantages to each plan, however; the May 5, 2011, Map 4 meets all the criteria while keeping each incumbent in his district and keeping the communities of interest intact. He stated that Glenn Rowe, Mr. Pennell, each member of Board of Supervisors and the 2011 Redistricting Committee have done a credible job.

The board of supervisors then undertook a process of moving census blocks from one district to another to try to improve the demographics within the redistricting.

Mr. Beauchamp asked what the percentage would be if Lumberlost Road was move into District 4.

Mr. Rowe stated they had already looked at the census blocks on Lumberlost and that would not make a significant change.

Mr. Cornwell stated you cannot break a census block unless you go door to door in order to identify the occupants within a census block.

Dr. Russell asked about moving Ring Farm Road from District 5 into District 4 that would move the School Board member back into his district.

Mr. Pennell stated the numbers are better but .18% lower than it should be, however; believes it could be defended at the Department of Justice.

Dr. Russell asked Mr. Cornwell if this could be defended at the Department of Justice.

Mr. Cornwell stated it could be defended by indicating it keeps the incumbents in their district and keeps the community of interest intact.

Mr. Pennell stated the Department of Justice would be contacting Mr. Palin and Dr. Russell for their opinions and/or comments.

Mr. Beauchamp stated that the School Board member has been put back into his district and the percentage is where it should be for District 4.

Mr. Jenkins has concerns about the western part of Merry Point Road, Alfonso area, and Lara Road.

Mr. Palin said Lancaster Shore is better when talking about minority percentage than the Merry Point Ferry area.

Mr. Jenkins said the Shore Drive census block contained more acreage than people.

After much discussion and reworking Map 4, which was created on May 5, 2011, the Board of Supervisors, Mr. Cornwell and Rev. Fowler believed that Map 4 met all the criteria set forth by the Department of Justice.

Mr. Geilich made a motion to adopt the Ordinance for the 2011 Redistricting Plan of Lancaster County, Virginia (Revised Map 4) to establish boundary lines of election districts and precincts for Lancaster County, Virginia.

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

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. The purpose of the closed meeting is to discuss the assignment of an employee and a contract wherein 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).

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 employee performance in accordance with §2.2-3711.A.1 of the Code of Virginia Act;

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. Beauchamp 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.

There was no action taken as a result of the closed meeting.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn until May 18, 2011 at 5:30 p.m. in the board of supervisors meeting room to conduct a budget work session.

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