

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, June 24, 2010.

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**

Dana Gilmour, Ocran resident, stated public access to the water for Lancaster citizens has been a goal in at least two Comprehensive Plans but the county has not been successful with finding a suitable location. The ideal location would have boat launch and recovery, fishing pier, parking, picnic area and restroom facilities. He believes he has found the prime location would be near the end of Boys Camp Road on Pittman's Cove, Tax map # 29-14 owned by the Alexandria Police Youth Camp, Inc., where the Peninsula Metropolitan YMCA currently has a lease. He stated he met with the Regional Executive of the YMCA who is supportive of trying to work out an agreement that would benefit the YMCA, Alexandria Police Youth Camp, Inc., and the citizens of Lancaster County. He said a brief overview of the property is that it is 95 - 97 acres with three sides surrounded by navigable water including Indian Creek and Pittman's Cove. The YMCA is currently using approximately 16 acres and they have an existing five-year plan and beginning an initiative to create a ten year plan. Should the YMCA's plan go forward they would be using roughly one third of the total property. He discussed the

compatibility of shared use between the YMCA and County and there appears to be no conflicts. There are some questions as to how the YMCA would be willing to discuss a joint use effort. He believes it is a potential win-win for all parties involved and a way to begin would be with a master plan for the entire parcel that would incorporate the county's goals and needs as well as the YMCA and Alexandria Police Youth Camp, Inc. Part of the discussion included a 200' wide easement running down Boys Camp Road to Pittman's Cove.

Mr. Gilmour stated he has a meeting scheduled with the YMCA on June 30, 2010 at 11:30 a.m. and would need a county designated person to attend this meeting.

Mr. Pennell stated he would be attending the meeting.

### **PRESENTATIONS**

None

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Robert Harper stated he and Mr. Trapani has been in an all day maintenance conference in Fredericksburg and he was still in Fredericksburg.

Mr. Harper stated mowing on the primary roads will begin on Monday, June 28, 2010 and secondary highway mowing will follow the completion of the primary mowing.

Mr. Harper said the repairs at the Robert O. Norris Bridge should be completed on Friday, June 25, 2010.

Mr. Harper said a contractor has fixed the problem with vehicles getting onto the ferry by adding wedges to the ramp.

Mr. Pennell stated he has spoken with Mr. Harper about possibly closing VSH 600/Courthouse Road this coming Monday through Wednesday and, should VDOT agree, an announcement will be made on the radio informing citizens of the detour.

## **PUBLIC HEARING**

1. Tax Levy for Calendar Year 2010 – Mr. Larson presented the proposed tax rates for Calendar Year (CY) 2010. The draft ordinance has been advertised as required by law. It would establish the same tax rates for CY 2010 for all categories as those levied for CY 2008 and CY 2009.

Chairman Russell opened the public hearing.

Mr. George Bott stated the idea for government is that they will have budget surpluses when times are good not when times are bad. The budget surplus means there is extra money in the government coffers at the end of a fiscal period. That equates to either a potential tax decrease or more money available to spend on the public good and Lancaster County spending for the public good is excellent. He said times are bad with the unemployment rate in Virginia at 6.7%, new housing starts is the lowest since 1963, many county citizens are getting assistance, many county houses are up for foreclosure, and taxes are higher than they need to be. Lancaster County has substantially increased the budget surplus since 2008. He indicated the fund balance in 2001 was \$508,602 and has increased over the years and projected to be at \$3,800,000 in 2010. These funds are on deposit earning a paltry sum of money in the bank, they are not needed for FY10 expensive or for the FY11 budget. Everything is funded and schools are doing well and that money should returned to the taxpayer. To reduce the real estate tax levy to provide for the average surplus from 2001 thru 2008 which is just a little over \$1 million, the tax rate could be lowered from 42¢ to 33¢.

Charles Costello said the county is looking at a surplus of almost \$4 million. He said as he remembered the audit reports the auditor has always said that the county was underfunded in reserves and the amount of reserves should be at 20% of budget. The current amount of reserves is not at the 20% level. The reason for having a reserve is not for the good but is for when things go bad or unforeseen expenses occur. He was always taught you should have savings in case of unexpected circumstances. The county is not doing bad and believes the county should leave it as it is and hold the course. He stated the county should approve the tax levy as advertised.

Chairman Russell closed the public hearing.

Mr. Geilich stated the reason the county has the surplus is because of good fiscal management over the last few years. He said he was a little concerned with the saving that the county has had some significant over the last few years and partially with the school system. He believes we are at a point it will be hard to continue that pattern of savings. It will reverse a little and some of the savings will be taken.

Mr. Beauchamp stated the county department heads have done a good job in only requesting level funding or a reduction in funding.

Mr. Palin agreed with fellow board member and Mr. Costello and stated the bad times are not over and there is no way to know what may be coming down the line. He stated he would prefer that the county stay the course and approve the advertised tax levy for 2010.

Mr. Beauchamp said after further research he believes that the county could reduce the real estate by 2¢ and still maintain the fund balance.

Mr. Palin indicated he would not be able to vote for the tax levy reduction because it goes against what the auditor has been suggesting we do for years. The fund balance has begun to increase and is still not where the auditors suggest we should be. He just not sure it this would be a prudent decision to reduce the tax levy by 2¢

Dr. Russell stated the county got to where we are because of good fiscal management and making sound decisions. He is now of the opinion that the county can survive and make it with a reserve of \$3 million. While he understands there is a lot of uncertainty with what happening with both federal and state level and is comfortable with the 2¢ reduction.

Mr. Jenkins made a motion to adopt the following ordinance for the Tax Levy for Calendar Year 2010 to reflect the following:

**TAX LEVY FOR CALENDAR YEAR 2010**

Be it ordained by the Lancaster County Board of Supervisors:

Beginning January 1, 2010 until December 31, 2010 the following tax rates shall apply in Lancaster County, Virginia:

- Real Estate - \$0.40 per \$100 of assessed value
- Personal Property Motor Vehicles - \$2.04 per \$100 of assessed value
- All Other Personal Property - \$1.52 per \$100 of assessed value
- Machinery and Tools - \$1.52 per \$100 of assessed value
- Merchant's Capital - \$1.00 per \$100 of assessed value discounted 50%

**PUBLIC SERVICE CORPORATIONS**

- Real Estate - \$0.40 per \$100 of assessed value
- Personal Property Motor Vehicles - \$2.04 per \$100 of assessed value
- All Other Personal Property - \$1.52 per \$100 of assessed value

ROLL CALL

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

The Ordinance was adopted.

2. Application for Change of Zoning District Classification – William F. and Julia B. Geier – Mr. Gill presented an application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by William F. and Julia B. Geier for a 1.10-acre parcel described as Tax Map #34-341. This parcel is located at 115 Windmill Point Road (VSH 695) near its intersection with Mosquito Point Road (VSH 641) in District 3.

Mr. Gill said this property has a history of commercial use, but was not zoned as such when the zoning ordinance took effect in 1975. Since then, the building has housed a variety of light industry/manufacturing businesses such as a tool and die company and a boat engine repair/rebuilding shop. Those commercial uses are allowed on this residentially zoned property as authorized non-conforming uses. Different uses would require Special Exception consideration that could become costly at \$400 per application, as well as time consuming, as each would require its own public hearing at the Board of Supervisors level. In addition, the applicant has completed extensive renovations to this building, but expects reluctance on the part of prospective renters to locate their businesses in a building zoned Residential General, R-1. As a result, the applicant has concluded that a one-time rezoning to C-1, Commercial would be the best approach to alleviating his problems. To help his request, he has submitted a signed and notarized “Conditional Rezoning Proffer” outlining the requested permitted uses he seeks as a condition of approval of this rezoning

which has been given to the Board of Supervisors for their review and consideration.

Mr. Gill stated the Planning Commission has forwarded this conditional rezoning request to the Board of Supervisors recommending approval as reflected in the draft minutes provided to the Board of Supervisors. In addition to the Conditional Rezoning Proffer discussed above, the applicant has provided a parking plan as given to the board for their review depicting how the minimum required parking for the existing building size can be achieved on site should the entire building be utilized in the future.

Mr. Gill stated this request is considered reasonable and appropriate given the property's history of commercial use and its location adjacent to the White Stone town limits.

Mr. Gill said adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no response from the public other than that previously discussed at the May 2010 Planning Commission meeting.

Chairman Russell opened the public hearing.

Hearing none, Chairman Russell closed the public hearing.

Mr. Geilich made a motion to Approve the Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by William F. and Julia B. Geier for a 1.10-acre parcel described as Tax Map #34-341 located at 115 Windmill Point Road (VSH 695) near its intersection with Mosquito Point Road (VSH 641) in District 3.

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

3. Application for Change of Zoning District Classification – Windmill Redevelopment Associates, LLC – Mr. Gill presented an Application for Change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for:

Public Hearing #3	Tax Map #41-4J	0.9668-acre
Public Hearing #4	Tax Map #41-4K	0.9761-acre
Public Hearing #5	Tax Map #41-4L	0.9353-acre
Public Hearing #6	Tax Map #41-4M	0.8476-acre
Public Hearing #7	Tax Map #41-4N	14.55-acres

These parcels are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

Mr. Gill said as these parcels are different tax map numbers, each will require its own individual vote, however the public hearings may be held concurrently and they can be discussed here collectively. These parcels constitute the easternmost portion of the Windmill Point resort property, where the old Windjammer golf course was located.

Mr. Gill stated on March 27, 2003, the Board of Supervisors rezoned these parcels (and the other 5 parcels which comprise the Windmill Point resort property) from A-1, Agricultural, Limited to R-2, Residential, Multi-family upon application by the previous owners. At that time, the Board also approved a master plan of development allowing 188 units (148 condominium units and a 40 unit hotel). The previous owners had no intention of developing that easternmost portion of the property.



Mr. Gill said on February 23, 2006, at the request of the new and current owners Windmill Redevelopment Associates, LLC, the Board of Supervisors approved a modification to that previously approved master plan of development allowing 200 condominium units and no hotel. One of the letters submitted with the modification request (dated February 23, 2006 paragraph #5) and incorporated into the modified master plan clearly states that the current owners had no immediate plans to develop that easternmost portion of the property, but confirmed that any future development of that property would be for single-family detached dwellings and would need to go before the Board for approval. The applicant is exercising that option with this rezoning request.

Mr. Gill said the R-2 District was repealed on June 30, 2005, but its regulations still apply to those parcels that are still zoned R-2. Single-family residences *were* allowed in the R-2 district when these parcels were rezoned to R-2 in 2003, however; single-family residences *were not* allowed in the R-2 district when the most recent master plan was approved in 2006. As a result, the applicant needs to rezone these parcels to the R-1, Residential General District to facilitate the aforementioned single-family development of the easternmost portion of the resort property.

Mr. Gill stated this request is considered reasonable and appropriate and constitutes a “downzoning” as R-1 is a less intense and dense district than the old R-2. The parcels requested for rezoning are surrounded by other R-1 properties.

Mr. Gill said included in this package for the Board of Supervisors review are the application, the Planning Commission draft meeting minutes, the County GIS map and the boundary survey of the parcels requested for rezoning. Also included to re-familiarize board members with the redevelopment of the Windmill Point resort property is a copy of the overall site plan, depicted schematically and pictorially.

Mr. Gill stated adjoining property owners have been notified and advertising conducted as required by law. To date, there has been no response from the public other than that previously discussed at the Planning Commission meeting.

Chairman Russell opened the public hearing.

Tom Smith of Palmer stated the developer has talked about a public boat ramp at that location and asked the board to inquire about the progress of the public boat ramp prior to approving this rezoning application.

Mr. Geilich asked Mr. Jeff Price, the developer to give an overview of the progress of the public boat ramp.

Mr. Price stated the public boat ramp is still in the plan, however; it could be one or two years before the public boat ramp is completed. They currently have 100 boat slips and only 24 slips are rented out, so at this point everything is out-of-pocket.

Mr. Beauchamp said he realizes there has been a number of owners/developers of this property and fully understand the economic situation that the current owners are facing now. He believes that every request made to this board has been granted and each time a request is made for the boat ramp to be completed and it is still not there. Again, he understands the economic situation, but he would like to see the public boat ramp built. There is access to fantastic fishing and could very well bring in more revenue than expected.

Chairman Russell closed the public hearing.

Mr. Geilich stated he would like to thank Mr. Price staff for the trash pick-up on the lower end of Windmill Point Road and it is greatly appreciated.

Mr. Beauchamp asked if the requests are granted what impact would it have on condominiums units being on that property.

Mr. Gill stated there would no effect on the number of condominium units; the modified master plan in 2006 did not specify any number of single family residents that could be built. The total number of condominiums was set at 200.

Mr. Jenkins stated a request was granted to rezone the whole thing and he relied on the master plan which called for no building in that area.

Mr. Geilich made a motion to approve the application for change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for tax map #41-4J (0.9668 acre parcel) are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

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

Mr. Geilich made a motion to approve the applications for Change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for tax map #41-4K (0.9761 acre parcel) are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

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

Peter N. Geilich	Aye
B. Wally Beauchamp	Aye
F. W. Jenkins, Jr.	Aye

Mr. Geilich made a motion to approve the application for Change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for tax map #41-4L (0.9353 acre parcel) are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

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

Mr. Geilich made a motion to approve the application for Change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for tax map #41-4M (0.8476 acre parcel) are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

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

Mr. Geilich made a motion to approve the application for Change of Zoning District Classification from R-2, Residential, Multi-family to R-1, Residential, General by Windmill Redevelopment Associates, LLC for tax map

#41-4N (14.55 acre parcel) are located off Fairwinds Drive off Windjammer Lane at the end of Windmill Point Road (VSH 695) in District 3.

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. Jenkins to Approve the Consensus Docket and recommendations as follows:

A. Minutes for May 12, 2010, May 27, 2010, and June 15, 2010

Recommendation: Approve minutes as submitted

B. Abstract of Votes – Town Elections – May 4, 2010

Recommendation: Accept Abstract of Votes as submitted

C. Abstract of Votes – Republican Primary – June 8, 2010

Recommendation: Accept Abstract of Votes 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 June 2010 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the salaries for June 2010 in the amount of \$210,453.68\* and Invoice Listings for June 2010 in the amount of \$783,249.74\*.

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

\*Judicial Center Expenses \$302,147.97

2. Virginia Retirement System – Member Contribution Pick-Up –

Mr. Pennell said as a result of the actions of the General Assembly this year, it is necessary for Virginia’s governing bodies to elect one of three options with respect to future employee’s retirement benefits/contributions.

Mr. Pennell provided the Board of Supervisors with a letter from Virginia Retirement System (VRS) outlines the history of this issue and the requirement of the governing body to select on of the following options for future employee contributions to the Virginia Retirement System:

1. New employees (hired/rehired after July 1, 2010) pay the 5% member contribution.
2. Lancaster County pays between 1% and 5% of the member contribution with the remainder paid by the employee.
3. Lancaster County pays the full 5% as is the current practice.

Mr. Pennell stated once the Board of Supervisors has made its selection, he will prepare the appropriate resolution and send it to the Virginia Retirement System.

Mr. Beauchamp made a motion to select option 3 for Lancaster County to continue to pay the full 5% as is the current practice and have the county administrator prepare the appropriate resolution.

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

3. Cell Tower Lease Proposal – Mr. Pennell presented the board with an email recently received from SBA Cell Towers offering Lancaster County a lump sum amount for a new lease term for the cell tower behind the sheriff’s office. SBA is offering \$145,000 as a lump sum payment for a period of 55 years. Currently, the county receives \$1,000 per month for a maximum of 25 years from 2008.

Mr. Pennell said Lancaster County currently receives \$12,000 per year for the rent on this tower. The total the county will receive during the 25 year term of the lease is \$300,000. The current lease expires in 2033 and the proposed lease would expire in 2065. The lump sum, discounted price of \$145,000 with a much longer lease term does not seem to be a prudent investment.

Mr. Pennell stated no one knows the value of a renegotiated lease in 2033. With advancements in technology, it seems logical that the value of a new lease in 2033 will greatly exceed the benefits of a lump sum payment/lease extension at this time. For the reasons mentioned he recommended the Board of Supervisors reject the lump sum payment.

Mr. Palin made a motion to reject the lump sum payment in the amount of \$145,000 proposed by SBA Cell Towers and continue with the agreed lease term.

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

4. FY 2011 Lancaster County Operating and Capital Improvement Budget – Mr. Larson stated the Board of Supervisors received public input on the subject budgets on May 27, 2010.

Mr. Larson stated the Board of Supervisors received public input on the subject budgets on May 27, 2010. The requirement for a minimum one-week period between the taking of public input and consideration for approval has therefore been met. A synopsis of the operating and capital improvement budgets with proposed operating expenditures of \$26,148,118 and projected revenues of \$26,266,762 is attached. Fund balance at the end of FY 2011 is projected to be \$4,087,279. Capital improvement expenditures, proposed, are \$304,308 with \$75,496 being funded from the current balance in the capital improvement fund and the remainder from other sources such as funds in the Poor House Tract account.

Mr. Larson said he was informed within the last couple of days about five voting machines are down and if the machines are not replaced by the next election they will have to lease machines. He stated replacement of the five machines would be approximately \$56,000. This is not being put forth as part of the Capital Improvement Budget but would be an item to be considered within the next two months, in order for the Electoral Board to move forward. They would like to make the Board of Supervisors aware of the fact that this is a pending Capital Improvement requirement that will need to fund in FY2011.



Mr. Jenkins stated he had an opportunity to speak to members of the Electoral Board and the new machines are needed. They are spending money to have the old machines repaired and they break down again.

Mr. Palin made a motion to approve the FY 2011 Lancaster County Operating and Capital Improvement Budgets as follows:

	FY10	FY11	Change
<b>Operating Budget</b>			
Fund Balance beginning of year	3,474,133	3,968,634	494,501
Revenues			
General Property Taxes	15,060,000	15,060,000	0
Other Local Funds	2,208,500	2,191,500	-17,000
Funds from Commonwealth	3,631,000	3,436,355	-194,645
Funds from Federal Government	730,000	670,000	-60,000
School Operating Revenues	4,464,936	4,328,907	-136,029
School Cafeteria Revenues	652,100	580,000	-43,639
Total Revenue	26,746,536	26,266,762	-479,774
Funds Available	30,220,669	30,235,396	14,727
Expenditures			
General Government	1,212,416	1,231,577	19,161
Courts	624,120	637,267	13,147
Public Safety	3,484,404	3,493,529	9,125
Public Works	1,157,496	1,113,573	-43,923
Health and Welfare	2,521,736	2,513,095	-8,641
Education (Non-public schools)	6,024	6,024	0
Recreation & Cultural Activities	160,345	172,345	12,000
Community Development	388,928	400,796	11,868
Non Departmental	53,925	56,425	2,500
School Operating	14,668,902	14,590,644	-78,258
School Cafeteria	623,639	580,000	-43,639
Debt Service	1,350,100	1,352,842	2,742
Total Expenditures	26,252,035	26,148,118	-103,917
Fund Balance End of Year	3,968,634	4,087,279	118,644

**Capital Improvement Program**

Funds Available

Bond Sales Carryover	812,912	279,792	-533,120
Sale of Poor House Tract Portion	369,764	381,219	11,455
Total Funds Available	1,182,676	661,011	-521,665
Expenditures—Total	533,120	304,308	-228,812

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

5.                FY 2010-2011 Appropriation Resolution – Mr. Larson asked the board for consideration and approval of the Appropriation Resolution to fund County and School Board operations for fiscal year 2010-2011.

Mr. Larson stated this is an annual appropriation that is \$222,618 less than the total funds appropriated for FY 2010/2011. Paragraph 1, “Terms and Conditions”, provides for reduction in the stated appropriation amount if actual revenues during the course of the fiscal year are less than projected revenues in an amount proportionate to the overall shortfall. As per the request of the Superintendent of Schools, Paragraph 5, “Terms and Conditions”, provides for the amount being appropriated for School Board expenditures as a total amount without further restriction or condition as to category of expenditure.

Mr. Geilich made a motion to approve the FY 2010-2011 Appropriation Resolution for the County and School Board operations in the amount \$26,148,118.

**FISCAL YEAR 2010/2011 APPROPRIATIONS RESOLUTION**

**WHEREAS**, the Lancaster County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Lancaster County Board of Supervisors that the budget for fiscal year 2010/2011 is approved and appropriations for the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

**The Lancaster County Board of Supervisors has approved the following annual appropriations for the period July 1, 2010 until June 30, 2011.**

**Operating Budget**

Board of Supervisors	\$ 45,965
County Administration	394,054
County Attorney	20,000
Independent Auditor	34,200
Commissioner of the Revenue	262,864
Treasurer	265,128
Information Technology Services	94,873
Electoral Board	27,627
Registrar	86,866
Circuit Court	12,981
General District Court	4,000
Magistrate	600

Juvenile & Domestic Relations Court	1,225
Clerk of the Circuit Court	290,085
Court Appointed Special Advocates	3,000
Victim/Witness Assistance	27,295
Commonwealth Attorney	298,082
Sheriff (Law Enforcement)	\$ 1,459,105
School Resource Officer	52,676
Volunteer Fire Departments	248,000
Rescue Services	101,160
Paid Rescue Services	479,087
Forest Fire Service	4,000
Local Emergency Services	15,500
Sheriff (Corrections)	842,571
Juvenile Probation Office	48,750
Electronic Monitoring Program	20,000
Building Inspections	123,903
Animal Control	98,577
Medical Examiner	200
Refuse Disposal	931,570
General Properties	182,004
Health Department	198,325
Free Health Clinic	88,691
Community Services Board	36,744
Bay Aging	70,549
Group Home Commission	27,240
Rappahannock Legal Services	5,600
The Haven Crisis Shelter	3,500
Comprehensive Services Act	600,000
Social Services Board	1,442,446
Virginia Quality Life	10,000
Rappahannock Community College	6,024

YMCA	75,000
Boys and Girls Club of America	30,000
Mary Ball Washington Museum	4,400
Historic Resources Commission	200
Community Library	92,745
No. Neck/Ches. Bay Partnership	6,000
Rappahannock River Basin Commission	1,000
Land Use Administration	223,348
Resource Conservation and Development Area	850
Department of Housing	52,158
Planning District Commission	26,000
Soil & Water Conservation District	10,000
Wetlands Board	10,656
Board of Zoning Appeals	2,200
Planning Commission	8,300
Extension Service	60,284
Landfill Closure Management	5,000
Enhanced Emergency Telephone System	51,425
Lancaster Public Schools	14,590,644
School Cafeteria Fund	580,000
Debt Service	<u>\$ 1,352,842</u>
Total Operating Budget Appropriations	<u>\$26,148,118</u>

**Capital Improvements Budget**

LPS—Fire Alarm Replacement	\$ 35,821
LMS—Generator Upgrade	125,000
LHS—Diesel Generator	58,650
Repairs to Old Jail/Clerk’s Office	58,000

Commercial Dishwasher—Jail	14,000
Carpet Replacement—Social Services	<u>12,837</u>
Total Capital Improvements Budget	<u>\$ 304,308</u>

**TERMS AND CONDITIONS**

1. All appropriations are declared to be maximum, conditional and proportionate appropriations.

This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2011 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2011.

2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Lancaster County Board of Supervisors.

3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2011 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.

4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations

defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.

5. The amount appropriated to fund contemplated expenditures for the Lancaster County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.

6. No expenditures shall exceed the appropriation established by the Lancaster County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.

7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.

8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:

a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.

b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.

c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.

9. All appropriations that are not encumbered or expended prior to June 30, 2011 will lapse and the balance shall become part of the General Operating Fund Balance.

10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.

11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be reappropriated into the subsequent fiscal year.

12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.

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

6. Network Cabling in New Judicial Center – Mr. Pennell said additional expenditures are required for installation of the cabling to provide internet, telecommunications and other network services in the new Judicial Center. For reasons of expediency, the county chose to have David Nice Builders solicit bids for this project rather than treat it as a separate contract.

Mr. Pennell stated the project specifications and scope of work were developed by county staff and were based on the electrical system drawings in the final construction plans and discussions with court clerks and other personnel who will be occupying the new building. David Nice Builders received bids from IES



Communications, who is already involved as a subcontractor working on another phase of the construction project and from two other companies, Fiber Plus and Computer Telephone Technologies (CTT), who has expressed interested in the cabling project. Computer Telephone Technologies (CTT) was the lowest bidder with a bid price of \$37,000.

Mr. Palin made a motion to Approve and Authorize county staff to instruct David Nice Builders to select Computer Telephone Technologies (CTT) the low bidder at \$37,000 and have the cost added to the existing construction contract.

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

7. Partners for Lancaster County Schools Foundation – Request for Permit Fee Waiver – Mr. Pennell said he has provided the board with an information packet submitted from Mr. H. William Warren, President, Partners for Lancaster County Schools Foundation asks the Board of Supervisors to consider waiving the permit fee for the teacher housing project this foundation is undertaking.

Dr. Russell stated Mr. Warren has done an outstanding job working on this project and he has to abstain from voting as he set on the board for Partners for Lancaster County Schools Foundation.

Mr. Beauchamp made a motion to approve the request for Permit Fee Waiver made by Partners for Lancaster County Schools Foundation in the amount of \$3,294.

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

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

8. Building/Land Use Proposed Fee Increases – Mr. Pennell presented a revised and updated Permit/Publication Fee Schedule of the Lancaster County Department of Building and Land Use.

Mr. Pennell said the Building and Land Use staff compiled and compared a list of permit and publication fees charged by Lancaster, Richmond, Westmoreland, Northumberland, and Middlesex Counties. After review, two changes have been proposed to reflect current costs and time associated with the various permits and publications. Specifically, the fees for demolition permits would increase from \$0 to \$25 and the fees for bulkheads/piers/riprap/groin permits would increase from \$50 to \$200. The proposed changes are highlighted on the copy fee schedule given to the Board of Supervisors for its review, this fee schedule would make Lancaster County’s permit and publication fees comparable to its neighbors.

Mr. Geilich made a motion to approve the Permit/Publication Fee Schedule for the Lancaster County Department of Building and Land Use 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

9. Virginia Retirement System – Transitional Benefits Program – Mr. Pennell said the 2010 General Assembly established the Transitional Benefits Program wherein localities may elect to participate to provide for additional benefits to employees who are involuntarily separated from employment.

Mr. Pennell provided the board with materials which fully describe the Transitional Benefits Program as established by the Virginia Retirement System. Lancaster County has not involuntarily separated employees from public service based on reductions in force because of economic conditions certainly during his tenure and possibly never.

Mr. Pennell said participation in this program will increase the annual cost of Lancaster County's participation in the Virginia Retirement System on the chance that there may be some future reductions in force based on economic conditions but that possibility seems remote based on Lancaster County's experience for a long time.

Mr. Pennell stated he has discussed this issue with Ms. Susan Sciabbarrasi who agrees that she sees no need for the Schools to participate in this program for the same reasons. Both entities have separated employees for cause but not because of reductions in force based on economic conditions.

By consensus of the Board of Supervisors, not to participate in this program.

## **BOARD REPORTS**

None.

## **COUNTY ADMINISTRATOR**

Mr. Pennell informed the Board of Supervisors that the huge mounds of dirt on the property where the Old Pierce Building was located is being requested by David Nice Builders to be used to put a small berm around the new judicial center property which will add privacy and a sound attenuation device should someone farm the property behind the new judicial center during court sessions.

By consensus of the Board of Supervisors allow this action.

**ADJOURNMENT**

Motion was made by Mr. Jenkins to adjourn.

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