

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, June 25, 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

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

PUBLIC INPUT

Greentown/Gaskins Road Project

Mr. Pennell stated the advertisement for the Greentown/Gaskins Road Project did not get to the Rappahannock Record in time for a public hearing, however; the public can give their input at this meeting to be reflected in the minutes and will not have to attend the July 30, 2009 Board of Supervisors meeting.

Mr. Pennell said for several years the Lancaster County Administration and Department of Housing have been trying to resolve the issue of obtaining wastewater treatment for the Greentown/Gaskins Road Community Development Block Grant (CDBG). The Board of Supervisors accepted a proffer from the New Tides, LLC some time ago to provide that service, however; there was no time table in the proffer. The county has been working with New Tides, LLC but unfortunately has been unable to resolve the acquisition of the wastewater treatment services in such a time that the Community Development Block Grant managers would have the County to do so. Time

is running out on the CDBG. Mrs. Hollingsworth, Director of Housing learned that there is a likelihood that wastewater treatment can be done on a lot that has been vacant and unclaimed for a long time. It's know as 261 Greentown Road which is owned by Joseph A. Green Estate and he suspects there are a number of folks present who are heirs to the estate. The taxes on the property have been paid by both the Tides Lodge and Tartan Investments for a number of years. The County staff has been looking at that lot and believes it could be a prime site to place the wastewater treatment system. The wastewater treatment that is being proposed will be a completely enclosed mass drain field system, there will be no smell, will not be seen from the road, and once treated the effluent would go directly into the ground much like a regular septic system. The Board of Supervisors will hear public comments from citizens who live in the area and other citizens who simply may want to know more about the project.

Mr. Cornwell, County Attorney, stated because of the nature and ownership of the property there maybe a number of heirs which could make this process more difficult. The lot/area is suitable for these purposes and has been surveyed. The process will be: the Board of Supervisors approves the condemnation and the county will pay \$46,000 to the Circuit Court (the appraised amount.) An invitation to bid will go out and a contractor will be selected to install the sewage lines, lift stations and laterals. The county has been working on this design for several years. The wastewater treatment facility will be in accordance with all the regulations set in place by Department of Environmental Quality. A public hearing is required prior to the county going forward with this process.

Mr. Trittpoe asked how much would this wastewater treatment system cost and how will it be financed?

Mr. Pennell stated there will be an approximate \$25.00 sewage charge per month. There are 43 houses and there is a \$1.2 Million Community Development Block Grant which has been secured by the county a number of years ago.

Lloyd Hill asked if all attempts have been made to contact the next of kin for this nine acre lot.

Mr. Cornwell stated that all attempts have been made.

Mr. Pennell stated the county will be paying a fair market price of \$4,500 per acre.

Rev. Waller asked if time was about to expire on the block grant.

Mr. Cornwell stated it was, but the county is taking all the necessary steps in order to keep the block grant funding with the project.

Mr. Pennell said how important it is to continue with this plan in order to get it approved, as the CDBG managers are willing to work with the county as long as they know the county is doing everything to ensure that the block grant will be used for the intended propose. Should this plan not go forward there will be no sewage treatment facility for the Greentown/Gaskins Road community.

Rev. Waller asked what happened with the Tides Inn, LLC agreement.

Mr. Cornwell said there was never an agreement.

Rev. Waller asked if the Tides Inn would have access to the sewage treatment facility.

Dr. Russell said no.

Mr. Jenkins asked if the provision of the block grant would allow the county to use those funds for the \$46,000 purchase of the property.

Mr. Pennell said no, the block grant cannot be used for the acquisition of property, however; the county had committed to contribute \$50,000 to the project.

Katie Chewing asked if someone comes forward to claim the property, what will be done.

Mr. Cornwell stated they will be referred to the circuit court for its determination of the distribution of the proceeds.

Mr. Hill said because the New Tides, LLC did not sign any type of agreement; it put this project on hold. Hopefully this was a lesson learned by the county.

Mr. Pennell said yes the county has learned to require more specificity in its proffers.

Mr. Hill asked if there were any retribution against New Tides, LLC.

Mr. Cornwell said there are legal issues still pending.

Mr. Jenkins said the Tides has made a number of proffers with the county, all of which they have complied with, but unfortunately not on this project.

Dr. Russell said the county has been misled by Tides, LLC for three years and proffers in the future will have time lines.

Mr. Hill again asked if \$46,000 was fair market value for the nine acre lot.

Mr. Cornwell stated the county is actual paying a slightly higher rate than what the tax assessor's rate.

Mr. Hill asked what the time line would be for this plan should it get approved by the Board of Supervisors.

Mr. Cornwell said once the Board of Supervisors approves this plan, an invitation to bid for the construction of the wastewater treatment facility will take 30 – 60 days plus additional 30 days to complete all necessary the paperwork. So the county is looking at 60 – 90 days after the official public hearing.

Ms. Chewning said she is in favor of this project and has been working with Mr. Pennell, Dr. Russell, and Mrs. Hollingsworth. The wastewater treatment is much needed for the Greentown/Gaskins Road Community. This is the only way that the residents in the Greentown/Gaskins Road Community will be able to get a home and live like everyone else. She asked the Board of Supervisors for its approval on the project.

Mr. Pennell stated there are people living in the Greentown/Gaskins Road Community that do not have running water. There has to be wastewater treatment in order for the Health Department to allow you to pipe water into your house. This is a very serious issue and an extremely important matter as the people in this community have been toting water and using outside facilities for most of their life.

Diane Carter stated some of the residents no longer have homes since the last hurricane and now living with family members. They cannot get a home built because of the wastewater treatment issue. She does not live in the community but knows that wastewater treatment is much needed. She asked the Board of Supervisors to approve this plan.

Joan Rice said she is a member of the community and understands how greatly the wastewater treatment facility is needed. People are going though so much economically and the stress of not having a home to live in is worst. She stated she is in favor of the plan and asked for the Board of Supervisors approval.

Rev. Waller said he is in favor of this project as he has been actively involved from the beginning. There are citizens in the Greentown/Gaskins Road Community with health issues and some elderly and he hopes and prays that this plan is approved by the Board of Supervisors because this wastewater treatment is needed.

Martha Carter said she was the first to receive a house and understands all the concerns of the residents in this area. She asked the Board of Supervisors to approve the plan.

Dr. Russell formally apologized for not having the Greentown/Gaskin Road condemnation issue on the Board of Supervisors agenda, but there will be an official public hearing on July 30, 2009 at the regular Board of Supervisors meeting.

Ferry Service Hours

George Bott, District 1 resident stated there a sign posted on Ottoman Ferry Road which indicates VDOT will reduce ferry service and the hours as of July 1, 2009 by 30 percent. The ferry will operate Monday – Saturday from 9:00 a.m. – 5:30 p.m. rather than seven days a week from 7:00 a.m. – 7:00 p.m. in the summer. He stated there is usually a wait; the ferry is unreliable, noisy, hazard to navigation, costly and a waste of taxpayers' money. So, one could made an argument to close the ferry, however; in the VDOT mission statement among other things they said “they are responsible for providing a safe mode of transportation with a easy movement of people and goods, enhance the economy and improve the quality of lives.” The new ferry is coming according to the ferry operator, due next month, and will be better and transport four cars instead of two. Last year the ferry carried 12,000 cars according to a report from VDOT. But the new banker's hours do not work for the citizens who use the ferry.

Mr. Jenkins said VDOT is one of the most corrupt organizations in the Commonwealth. VDOT comes up things to hurt local people rather than deal with their internal mismanagement. That is what we are fighting and do not have anyone in

Richmond serving in either body of the legislature or any executive position that is willing to stand up and put VDOT in its place. VDOT indicated they will save \$75,000 but they cannot prove it. This is simply a figure that was pulled out of the air. We are up against a wall, unless we are able to convince this board to fund it with Lancaster citizen tax dollars. That is the only way it will happen, because we don't have a legislator or executive who have the guts to stand up to VDOT.

Mr. Bott stated he totally agreed. When asked by Delegate Pollard for some input during the last budget session, he suggested that the contract out the entire agency. The cost benefit analysis based on 30 percent fewer hours for a larger ferry does not hold any water whatsoever.

PRESENTATIONS

StormReady Community – National Weather Service – Mr. Hudson introduced Bill Sammler from the National Weather Service Wakefield to do a presentation designating Lancaster County as the first Northern Neck county as a StormReady Community.

Mr. Sammler said StormReady is a program that was started in 1999 by the National Weather Service after a disastrous flash flood in northwest Arkansas. It is a program that recognizes emergency management and preparedness operation. The ability to monitor weather conditions, receive information directly from the National Weather Service, and to take the information received from the National Weather Service and disseminate out, which are the three primary requirements. It is important for local schools and county buildings to all radio weather receivers which is easier done because within the last couple years the U.S. Department of Education, Department of Homeland Security, and the Department of Commerce have disturbed all weather radios every school and two and four year colleges all across the country. The final piece of the puzzle is preparedness - going out into the community doing preparedness presentations and getting the community ready for a variety of different disasters. Chief Hudson and

Mr. Beauchamp have done public service announcements from the local radio station. This designation is good for three years at which time it will reviewed.

Mr. Sammler presented Chief Hudson with the Lancaster County StormReady Community Certificate and congratulated Chief Hudson and members of the Lancaster County Emergency Management Team as this is the first Northern Neck County to receive this designation. The County was also presented with two signs indicating that Lancaster County is a StormReady Community.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Ferry Update

Mr. Trapani said a letter was submitted to Mr. Pennell outlining the changes to the ferry hours. As of July 1, 2009 the ferry will operate Monday – Saturday from 9:00 a.m. – 5:30 p.m.

Mr. Jenkins asked how a working person would use the ferry with the new hours. He just does not understand how VDOT came up with what is good for some localities, because if this was Hampton Roads or Northern Virginia, VDOT would bend over backwards to accommodate those areas of the Commonwealth.

Mr. Trapani stated he spoke with individuals higher up and asked if he can monitor the schedule, depending on what he heard for people of this area and possibly modify the schedule. He said his still has to maintain the set number of hours. The schedule is flexible and will be monitored for 30 days before modifying the schedule.

Mr. Jenkins said if makes more sense to close the ferry on Sundays and Mondays and operate Tuesday – Saturday from 7:00 a.m. – 7:00 p.m.

Mr. Beauchamp asked the cost of the new ferry.

Mr. Trapani said approximately \$500,000 and a lot of work went into securing the funding for the new ferry over a number of years.

Dr. Russell asked after the new ferry is up and running will there be an opportunity to revisit and review the hours.

Mr. Trapani stated he can revise the hours to maintain the same number of hours service in the proposal which are 48 hours per week. However, he would like to hear what the people have to say prior to making changes.

Mr. Beauchamp said he specifically asked Mr. Ekern, VDOT Commissioner, if the Board of Supervisors could have some input prior to a final decision and was told “yes”. The Board of Supervisors was not given that opportunity. Many of the citizens who use the ferry have to be to work before 9:00 a.m. therefore there are no real benefits to the citizens who use the ferry.

VSH 651/Boys Camp Road Speed Study

Mr. Trapani stated the speed study on VSH 651/Boys Camp Road was requested and received a recommendation of 40 mph.

VSH 767/Cox Farm Road Speed Study

Mr. Trapani stated the speed study on VSH 767/Coxs Farm Road was requested and was recommended that the speed limit remains at 35 mph.

VSH 1070/Corottoman Drive Speed Study

Mr. Trapani stated the speed study on VSH 1070/Corottoman Drive was requested on the section where the speed limit is 35 mph and was recommended that the speed limit remains at 35 mph.

Mr. Jenkins stated there is a sharp curve and dip on Corottoman Drive. If the speed limit remains at 35 mph that would mean that the Golf Cart Ordinance cannot extend from Marina Road. Mr. Jenkins proceeded to express his displeasure at the lack of cooperation from VDOT to a request from the community.

Mr. Trapani said the section posted 25 mph was posted in according to the statute for residential areas, not by a study. There are 14 dwelling on the one section and according the study, people were driving an average of 36 mph which does not recommend a speed reduction.

Dr. Russell asked if the issue with Mrs. Helen Carter on Taylor's Creek Road was resolved.

Mr. Harper said yes and Mrs. Carter was very satisfied.

PUBLIC HEARING

1. Ordinance to Permit Golf Carts and Utility Vehicles to use Roadways within Corrotoman by the bay Subdivision having a 25 MPH or Less Speed Limit – Mr. Pennell said at the May 28, 2009 meeting of the Board of Supervisors, the members directed that he prepare an ordinance which would permit golf carts and utility vehicles to use state highways within Corrotoman by the Bay subdivision which have a 25 mph or less speed limit. This ordinance to be properly advertised for public hearing.

Mr. Pennell stated the VDOT regulations require at least one sign notifying motor vehicle operators that golf carts and utility vehicles are using the road be posted on each road affected by this ordinance.

Mr. Pennell said VDOT will not make, erect nor maintain these signs. Either the county or some other party will be required to erect and maintain the

signs. The enabling statute permits the Board of Supervisors to require others to erect and maintain the signs and he has written the ordinance to require local citizens bear this responsibility.

Mr. Jenkins has discussed this provision with the citizens making the request and they are willing to have these signs made, erect them on the roads and maintain them in the future.

Chairman Russell opened the public hearing.

Barry Jackson, President of the Corrotoman by the Bay Association asked the Board of Supervisors if Golf Carts and Utility Vehicles can be used in the subdivision after hearing comments made by VDOT. VDOT did the speed study from the pool house to Marina Road. There will be a number of people left out, approximately 3/10 of a mile.

Mr. Pennell suggested that the citizens in the Corrotoman by the Bay Subdivision inundate VDOT with letters not emails or telephone calls. Citizens have a tremendous impact and simply contact the county office for VDOT mailing address if needed.

John Parrish, Corrotoman by the Bay resident stated he has concerns about the speed limit as it is 35 mph for about 200 yards before the speed limit is reduced to 25 mph but traffic in the opposite direction the speed limit 35 mph.

Chairman Russell closed the public hearing.

Mr. Jenkins made a motion to adopt the following ordinance to Permit Golf Carts and Utility Vehicles to use Roadways within Corrotoman by the Bay Subdivision having a 25 mph or less speed limit:

**Golf Carts and Utility Vehicles
Corrotoman by the Bay Subdivision**

The Lancaster County Board of Supervisors hereby ordains that golf carts and utility vehicles are permitted to be driven on the following public highways in Lancaster County:

1. Corrotoman Road (VSH 1070) beginning at the 25 mph speed limit zone to its terminus;
2. Bayview Drive (VSH 1071); and
3. Marina Road (VSH1072)

This ordinance contains the following provisions:

1. The citizens of Corrotoman by the Bay subdivision are required to install and maintain one sign on each of the aforementioned highways indicating that golf carts and utility vehicles use the road. These signs must conform to the Virginia Department of Transportation regulations for such signs.
2. Operators of golf carts and utility vehicles using the aforementioned highways must have a valid driver's license.
3. All golf carts and utility vehicles using the aforementioned highways must display a slow-moving vehicle emblem in conformity with §46.2.1081 of the Code of Virginia, as amended.
4. Golf carts and utility vehicles using the aforementioned highways shall be operated between sunrise and sunset only, unless equipped with such lights as are required by §46.2-1010 et seq. of the Code of Virginia, as amended.

ROLL CALL

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

2. Amend Elderly/Disabled Real Estate Tax Exemption – Mr. Pennell said at the February 26, 2009 regular monthly meeting of the Lancaster County Board of Supervisors, the members directed the County Administrator and the Commissioner of the Revenue review the details of the proposed amendment to the county ordinance that grants elderly and/or disabled citizens limited real estate tax relief. Following the public hearing, the Board of Supervisors directed the Commissioner of the Revenue and the County Administrator to further review the ordinance to respond to comments from citizens as well as the board members.

Mr. Pennell stated he and Mr. Thomas, Commissioner of the Revenue discussed the proposed ordinance amendment. They believe the language as advertised is appropriate to bring the county up-to-date regarding this matter.

Mr. Pennell said the amendments are summarized as follows:

Section 62-35, Paragraph (2) is changed to reflect an increase in combined income from \$10,000 to \$20,000 with the first \$5,000 (up from \$2,500) income of each relative (other than the spouse) not included in the total combined income.

Section 62-35, Paragraph (3) is changed to reflect the value of the dwelling and the land not exceeding one acre shall not exceed \$100,000 (up from \$50,000)

Section 62-36 Exemption amount is changed to read:

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.

Mr. Scott asked how the ordinance works.

Mr. Pennell said it makes the income limit a little higher to assist the elderly and disabled citizens with more tax relief.

Mr. Thomas said by increasing the income limit has only increased the number of eligible citizens by seven. The growth in the value of land in Lancaster County has far exceeded the increase in Social Security benefits and fixed income. If the amendments to the ordinance are adopted this will only cost the county \$13,000.

Mr. Palin asked if the \$400.00 exemption should be increase.

Mr. Thomas said this proposed ordinance is in line with Northumberland County.

Chairman Russell closed the public hearing.

Mr. Beauchamp made a motion to Adopt the Proposed Ordinance Amendment for the Elderly/Disabled Real Estate Tax Exemption as presented.

ROLL CALL

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

3. Adoption of Tax Levy for Calendar Year 2009 - Mr. Larson stated the Board of Supervisors must adopt a tax levy for real estate, personal property, merchant's capital and machinery and tools as well as real estate and personal property for Public Service Corporations. The purpose of this public hearing is to hear public input on proposed tax rates for Calendar Year (CY) 2009 and adopt an ordinance establishing rates that will comprise the CY 2009 tax levy.

Mr. Larson said recent changes in Virginia law require that changes to the tax rate be presented in a particular way and that they be advertised at least one month prior to the meeting at which public comment is heard. The draft tax levy for calendar year 2009 has been advertised in accordance with law.

Mr. Larson stated comments heard at the public hearing for the FY 2010 Operating and Capital Improvement Budgets on May 28, 2009 focused as much on the impact of the proposed increase in taxes as the budgets themselves. Otherwise, no other comment has been forthcoming at least to this office.

Chairman Russell opened the public hearing.

Dr. Russell explained that this is a public hearing and citizens can make statements/comments, however; because the Board of Supervisors conducted a

number of budget work sessions they would not be answering budget related questions.

Mr. Bott stated the tax rate as proposed is overstated and should be \$.30 per \$100 of assessed value. He believes the county left the 2009 calendar year with a large surplus. He said since the property assessments went up 50 percent last year than each \$.01 in the tax rate was equal to \$300,000. Quite a bit of money could be taken from the current surplus bringing it down a normal running surplus which would allow the county to reduce the tax rate. The FY09 budget, in comparison to FY08, there was an increase in 10 out of 12 categories that were published by the county. The county increased citizen assessments by 50 percent last year from \$2 Billion to \$3 Billion. This board increased the citizens' rate by 17 percent from \$.36 to \$.42 per \$100. This county crammed down \$18 Million plus for the new judicial center and the rehab of the old courthouse by the Industrial Development Authority in the middle of the night. It was not properly advertised and when asked if a copy of the minutes could be obtained, he was told the minutes were not available until approve at the next meeting of the IDA. If the board continues with the current tax rate with a sustainable surplus, there will be an even larger surplus next year. He believes in these times the board needs to listen to the taxpayer and relief is needed.

Mr. Pennell stated because the Industrial Development Authority does not meet on a regular basis the minutes were not available, but can provide him with the minutes now that they have been approved. The old courthouse will not be rehabilitated from this bond issuance.

Doug Trittpoe said after reviewing the proposed FY10 budget he has a few comments of the proposed expenditures. The Clerk of the Circuit Court budget was increased by \$17,000 but he understood there would be no new hires in the county, so why would the Clerk of the Circuit Court need an additional \$17,000 to continue with everyday functions. He had concerns with the county contributing

to the health insurance and wondered if the county also contributes to part-time employees such as the Board of Supervisors. Why is there an increase of \$5,200 in the Department of Housing budget? The judicial center debt service has been budgeted at \$848,000 and he believes that very little of the \$7 million will be spent next year. So, does the county have to pay debt service on the full \$7 million from day one, there must be better financial arrangement.

Mr. Jenkins stated the county got the best interest rate given at the time and because there was no way to see into the future, the Board of Supervisors did what was best to ensure it cost the taxpayers less money.

Mr. Trittpoe stated his last item deals with concerns is in the Communications. He asked if the communication tower located at the courthouse had to relocate at a rate of \$65,000.

Mr. Pennell said it is not the communications tower here at the courthouse, it the communication tower for fire and police services that is on a tower that is in jeopardy down in White Stone. The communication will be moved to the new Verizon tower and will provide better services for fire and police services.

Mr. Trittpoe believes that some of the expenditures could be reduced and the tax rate could be reduced to \$.30 per \$100 of assessed value.

Mr. Costello, District 2 recommended approval of the proposed FY09-10 budget because the county still needs to protect against unforeseen expenditures and a surplus is needed. The amount of the surplus could be questioned, but he thinks you have to have a surplus to guard against contingencies. To go out and borrow at whatever interest rate does not make a great deal of sense. Reducing the tax rate to \$.30 is not feasible. The board may want to look at a decrease in Merchant's Capital and Machinery and Tools tax levies in the future.

Chairman Russell closed the public hearing.

Dr. Russell said he takes very seriously the use of taxpayer money. The county has to keep a surplus in case it is needed. There is no way the board can see into the future and plan on an exact surplus amount. There are 1,100 families receiving benefits from the Department of Social Services with a county population of 11,000+. There are others being served by the Community Services Board and other agencies to which the county contributes every year. As a board member, he was elected not just to serve the citizens of his district, but every citizen in Lancaster County and to serve both the haves and have nots.

Mr. Geilich stated county staff will not get raises and no new staff will be hired. The surplus has been reduced by \$132,000. He suggested that next year more concerned citizens should attend the budget work session to get a better feel for the work that goes into the budget.

Mr. Jenkins said he agreed with comments made by Dr. Russell and Mr. Geilich. But one point of clarification this proposed budget leaving the tax rate at \$.42 per \$100 per assessed value will actually increase the fund balance by \$354,000 over a two-year period.

Mr. Jenkins said the board has become, without his vote, a group of tax spenders. The board should stop taking money out of the pockets of the people when it is not necessary in order to run this government. If there were concrete proposals that showed concrete benefits that indicated the county needs \$354,000 or \$1.5 million in surplus just to take care of the citizens, he would certainly entertain and debate the merits. He is not comfortable with having \$1.8 million in a Bank CD earning very little money and taking that away from the citizens of this county. The school system and superintendent jumped through hoops to decrease the budget, but what has the board done.

Mr. Palin said he does not believe the board members are tax spenders and believes the board is seriously concerned with what we are doing with the taxpayer's funds. The auditor has always suggested that we are running lean with the amount of funds we call surplus. He does not want to see the county get into a position that the taxes are cut down to where the surplus is so low, that if an accident or emergency would happen, the county would have to go to the bank to borrow funds. Then the board would have to come back to the public and say help us to pay it back. He believes the tax levy should remain the same as what is proposed.

Mr. Jenkins said he does not believe at anytime, with reserves at different levels, that the board has ever had to raise taxes or go back to the people because we did not have enough surplus.

Mr. Beauchamp said last week he could have supported a reduction in the real estate tax rate. But all of a sudden we have Governor Kaine announcing a 15.6 percent shortfall in state revenue and talking about additional cuts. He has in previous years supported a rate reduction, unfortunately not this year.

Dr. Russell said he believe the board have been good stewards of the county tax revenues.

Mr. Jenkins said he has been a good steward for 16 years.

Mr. Geilich made a motion to adopt the ordinance for the calendar year 2009 tax levy to reflect the following:

TAX LEVY FOR CALENDAR YEAR 2009

Be it ordained by the Lancaster County Board of Supervisors:

Beginning January 1, 2009 until December 31, 2009, the following tax rates shall apply in Lancaster County:

- Real Estate - \$0.42 per \$100 of assessed value
- Personal Property (Motor Vehicles) – \$2.04 per \$100 of assessed value
- Personal Property (All Other) - \$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 - \$0.42 per \$100 of assessed value
- Personal Property (Motor Vehicles) - \$2.04 per \$100 of assessed value
- Personal Property (All Other) - \$1.52 per \$100 of assessed value

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for May 13, 2009 and May 28, 2009

Recommendation: Approve minutes as submitted

B. Pierce House – Purchase and Removal of Personal Property

Recommendation: Approve the sale of the Pierce House to Carl Failmezger for \$1.00. Authorize the County Administrator and County Attorney to prepare and execute the contract.

C. Law Enforcement Information Exchange (LInX)

Recommendation: Approve Lancaster County being the fiscal agent for this project to issue Requests for Competitive Bids and manage any grant funds that are awarded to this project.

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 2009 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for June 2009 in the amount of \$209,074.29 and Invoice Listings for June 2009 in the amount of \$564,650.67.

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

2. FY 2010 Lancaster County Operating and Capital Improvement Budget – Mr. Larson stated the Board of Supervisors received public input on the subject budgets on May 28, 2009. The requirement for a minimum one-week period between the taking of public input and consideration for approval has been met. A synopsis of the operating and capital improvement budgets with proposed operating expenditures of \$26,335,241 and projected revenues of \$26,203,279 was provided for the board to review. Projected revenues are based on an assumption of no change in current property taxes. Fund balance at the end of FY 2010 is projected to be \$1,836,194. Capital improvement expenditures, proposed, are \$441,900 with all being funded from the current balance in the capital improvement fund.

Mr. Geilich made a motion to approve the FY 2010 Lancaster County Operating and Capital Improvement Budgets as presented.

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

3. FY 2010 Appropriation Resolution – Mr. Larson asked the board for consideration and approval of the FY 2010 Appropriation Resolution that provides first quarter funding for the operating and capital improvement budgets as approved.

Mr. Larson said the recommended first quarter appropriation for all accounts is 25% of the approved annual budget amount for that account. Paragraph 5 under “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. This is as per the request of the Superintendent of Schools.

Mr. Palin made a motion to approve the FY 2010 Appropriation Resolution and First Quarter Appropriation for all accounts by 25%.

FISCAL YEAR 2009/2010 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 2009/2010 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 appropriations subject to quarterly requests and subsequent approval. One-fourth of the following amounts are appropriated for the period July 1, 2009 until September 30, 2009.

Operating Budget

Board of Supervisors	\$ 45,965
County Administration	384,075
County Attorney	20,000
Independent Auditor	31,500
Commissioner of the Revenue	263,544

Treasurer	265,086
Information Technology Services	93,472
Electoral Board	24,380
Registrar	85,395
Circuit Court	12,000
General District Court	4,000
Magistrate	100
Juvenile & Domestic Relations Court	1,225
Clerk of the Circuit Court	297,141
Victim/Witness Assistance	27,295
Commonwealth Attorney	282,360
Sheriff (Law Enforcement)	1,339,477
Dispatchers	115,544
School Resource Officer	47,559
Volunteer Fire Departments	248,000
Rescue Services	101,152
Paid Rescue Services	442,242
Forest Fire Service	3,100
Local Emergency Services	15,500
Sheriff (Corrections)	893,661
Juvenile Probation Office	57,950
Electronic Monitoring Program	20,000
Building Inspections	123,050
Animal Control	95,358
Medical Examiner	750
Refuse Disposal	975,142
General Properties	182,353
Health Department	200,000
Free Health Clinic	100,000
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	1,443,103
Virginia Quality Life	10,000
Rappahannock Community College	6,024
YMCA	75,000
Boys and Girls Club of America	25,000
Mary Ball Washington Museum	4,400
Historic Resources Commission	200
Community Library	80,745
No. Neck/Ches. Bay Partnership	6,000
Rappahannock River Basin Commission	1,000
Land Use Administration	213,481
Resource Conservation and Development Area	850
Department of Housing	51,096
Planning District Commission	19,000
Soil & Water Conservation District	10,000
Wetlands Board	11,194
Board of Zoning Appeals	6,494
Planning Commission	9,529
Extension Service	60,284
Landfill Closure Management	5,000
Enhanced Emergency Telephone System	48,925
Lancaster Public Schools	14,668,902
School Cafeteria Fund	686,905
Debt Service	<u>1,350,100</u>
 Total Operating Budget Appropriations	 \$26,335,241

Capital Improvements Budget

LPS—Replace HVAC Systems	\$ 118,800
LMS—Replace Fire Alarm System	37,000
Repairs to Old Jail/Clerk’s Office	48,000
Relocate Communications Tower	65,000
Upgrade Communications Room--Sheriff	<u>173,100</u>
Total Capital Improvements Budget	\$ 441,900

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, 2010 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, 2010.

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, 2010 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, 2010 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.	Nay

4. Paving Contract – Mary Ball Washington Museum – Mr. Larson requested Board approval for paving of approximately 2000 square feet of parking area directly in front of Mary Ball Washington Museum.

Mr. Larson said a relatively small area of parking in front of the Mary Ball Washington Museum was not paved several years ago when the remainder of the

parking lot was paved. It is understood that it was not believed to be County property as the reason for not paving it. A recent survey has confirmed that this area is in fact County property. There are large potholes in this area and some form of hard surfacing is considered necessary to permit reasonable use of the area.

Mr. Larson stated three bids were submitted in response to verbal request. C.W. Davis bid \$6,970 and Craig Paving bid \$6,700, both for asphalt treatment. Neither do “chip and tar” or oil and stone. Paving Contractors, Incorporated bid \$2,900 for oil and stone treatment. Oil and stone would match the semi-circular driveway around the Old Clerk’s Office into which it would be tied. While oil and stone is not viewed as being as durable as asphalt, the price is significantly less and it is believed to be sufficient for this use. Paving Contractors would perform this work in the fall after obligations to VDOT for summer work have been met.

Mr. Geilich made a motion to approve Paving Contractors, Incorporated as the successful bidder to perform the subject paving project.

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 Capital Item Purchase – Mr. Larson requested the Board’s authorization for the purchase of a new cardboard baler not previously considered with other FY 2010 capital expenditures.

Mr. Larson said while every effort has been made by waste and recycling operations to “make do” with the current baler, it has become recently apparent

that this machine has reached the end of its useful life. It is at least twelve years old and may be older. It is increasingly broken, and maintenance costs have become prohibitively high (nearly \$4,200 in the last two months alone). The attached tonnage reports from January 2007 through March 2009 reflect an average of approximately eight tons of cardboard collected and processed per month. The price received for processed cardboard has ranged from a present \$19.21 per ton to \$76.63 per ton. The only processing cost is for baling wire, approximately \$1,300 over the last thirty months. Assuming a conservative net return of \$30 per ton and no maintenance costs, the payback period for this machine would be fifty-seven months or slightly less than five years.

Mr. Larson state if the current machine fails, the alternative to processing cardboard as a recyclable is to process it as waste with the associated costs of transporting it to and disposing of it in a landfill.

Mr. Jenkins made a motion to approve the purchase of a Daugherty Model MP60HD10 vertical baler as the least cost of three alternatives sufficient to the need and appropriate \$13,698 from the Capital Improvement Fund for this purchase.

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

6. Construction Contract – FEMA Hazard Mitigation Grant – Mr. Pennell said following Tropical Depression Ernesto, FEMA announced the availability of grant funding to elevate damaged homes out of the flood plain. Lancaster County submitted a proposal and was awarded funding to elevate seven houses. A requirement of the program is that a general contractor be retained.

After advertising and accepting bids for these houses NNTC Concrete Construction was recommended to elevate the next house which is located at 50 Branden Lane. They were the lowest responsible bid. After they were notified of their selection they stated they were too busy and could not accept the job. It is recommended that the next highest bidder, B & B Custom Homes & Renovations, Inc. be retained to elevate this house.

Mr. Pennell said Lancaster County advertised in the Richmond Times Dispatch and the Rappahannock Record. The advertisement was also posted on the County’s web page. He said five bids were received:

<u>Name</u>	<u>Bid Amount</u>
Daniel’s Construction	\$109,477.50
NNTC Concrete Construction	78,780.00
B & B Custom Homes & Renovation, Inc.	95,232.00
Edison Group	121,700.00
Chesapeake Custom Homes	138,000.00

Mr. Beauchamp made a motion to accept the bid from B & B Custom Homes & Renovations, Inc. and after review by the County Attorney and authorize the County Administrator to execute the 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. Reallocation of CIP Funding – Lancaster Primary School – Mr. Pennell said Ms. Sciabbarrasi has requested to amend the existing Capital Improvement Budget appropriation for the Primary School’s HVAC upgrades so

work can continue through the summer months while they await the receipt of stimulus funding. This request does not require additional appropriations from the Board of Supervisors.

Mr. Palin made a motion to approve the Amended Capital Improvement Funding reallocating the existing \$118,800 for the HVAC upgrades at the Lancaster Primary School.

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

Northern Neck Tourism Commission Appointment

Mr. Jenkins made a motion to Appoint Karen M. Hart, Executive Director, Mary Ball Washington Museum and Library; Susan Cockrell, Community Development Director, town of Kilmarnock and William H. Pennell, Jr., County Administrator as Lancaster County representatives to the Northern Neck Tourism Commission.

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

Bay Aging Designation

Dr. Russell said Bay Aging received the designation as being the Community Action Agency and with this designation comes funding. He asked the county

administrator to write a letter to Bay Aging asking about their new role and initiatives in regard to receiving this new designation.

Mr. Pennell said Bay Aging did submit a request and the county responded with four projects to utilize that CAA money in Lancaster County. He will prepare the requested letter.

Summer Youth Program

Mr. Pennell stated he has received very good reports about the Summer Youth Program. Dr. Russell and Mr. Beauchamp were very involved in this program and provided great assistance in getting the program started.

Dr. Russell said he has also heard great things about the youth. There are some great kids working this summer, that will put some money in their pocket, they are learning something, and making a contribution to the employers in the county.

COUNTY ADMINISTRATOR

Wetlands Board Alternate Members Needed

Mr. Pennell said the board was informed about two months ago that alternates were need for the Wetlands Boards. The county staff would like to make recommendation if the board does not object.

By consensus of the board, have county staff recommend alternate members for the Wetlands Board.

Fuel Contract Renewal

Mr. Larson said for the past several years the fuel bid has been under a regional contract with Westmoreland County. The five year contract expiration is this year and requested that the board continue to be part of the regional contract.

Dr. Russell made a motion to approve the renewable regional fuel contract.

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

Juvenile Detention Commission Meeting

Mr. Pennell stated he would be out of the office on Friday, June 26, 2009 at Juvenile Detention Commission meeting at the Merrimac Center in Williamsburg.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn to the meeting.

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