

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, June 28, 2012.

Members Present: B. Wally Beauchamp, Chair
 F.W. Jenkins, Jr., Vice Chair
 Ernest W. Palin, Jr., Board Member
 Jason D. Bellows, Board Member
 William R. Lee, Board Member

Staff Present: Frank A. Pleva, County Administrator
 Don G. Gill, Planning and Land Use Director

Mr. Beauchamp called the meeting to order at 7:00 p.m.

PUBLIC INPUT

None

PRESENTATION

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

Merry Point Ferry

Mr. Brown said VDOT would be taking comments on extending the Merry Point ferry operation hours during peak season. He asked to Board for their input or send comments to him at anytime.

Devils Bottom Bridge Work Update

Mr. Brown stated the work on the VSH 614/Devil's Bottom Road bridge work was scheduled to begin June 18, 2012. The signs were erected and a barricade put in place. The road will be closed for approximately 30 – 40 days.

County Maintenance

Mr. Harper said mowing will start in July on primary and secondary roads with litter pick up.

Kilmarnock Truck Bypass Update

Mr. Harper said the James Jones Memorial Highway/Kilmarnock Truck Bypass has been approved and signage has been erected in May. The bypass is being used by trucks alleviating heavy traffic through town.

PUBLIC HEARING

1. Application for Special Exception – Tammy S. and James W. Revere, Jr. – Mr. Gill presented an Application for Special Exception by Tammy S. and James W. Revere, Jr. to place a data antenna/pole under 100 feet tall for wireless Internet access on a 1.345-acre parcel described as Tax Map #10-4. This property is zoned A-2, Agricultural General and is located at 128 Meadowlark Lane in District 2.

Mr. Gill said Article 4-1-21 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. This is a continuation of requests for special exception consideration to locate data antenna at various locations within the county to provide wireless broadband Internet access in areas lacking that capability.

Mr. Gill stated there are no zoning issues with the location of this antenna/pole. It has the potential to serve many homes in the Regina area.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by Tammy S. and James W. Revere, Jr. to place a data antenna/pole under 100 feet tall for wireless Internet access on a 1.345-acre parcel described as Tax Map #10-4, zoned A-2, Agricultural General and is located at 128 Meadowlark Lane.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

2. Application for Special Exception – Conley Properties, LLC – Mr. Gill presented an Application for Special Exception by Conley Properties, LLC to place a data antenna/pole under 100 feet tall for wireless Internet access on a 13.55-acre parcel described as Tax Map #12-19L. This property is zoned R-1, Residential General and is located off Mulberry Creek Road (VSH 748) in District 1.

Mr. Gill said Article 5-1-23 of the Lancaster County Land Development Code allows the placement of data antennas with a special exception. This is a continuation of requests for special exception consideration to locate data antenna

at various locations within the county to provide wireless broadband Internet access in areas lacking that capability.

Mr. Gill stated there are no zoning issues with this antenna/pole other than its proposed location within the 100-foot Resource Protection Area (RPA). See attached survey sketch. Section 7-1(b)(1) of the Chesapeake Bay Preservation Ordinance (CBPO) exempts these types of telecommunication structures provided that *“to the degree possible, the location of such utilities and facilities should be outside RPA’s.”* Although this language permits placement within the RPA, all previously approved antenna/poles have been placed outside the RPA. Access by heavy trucks into the RPA for installation and maintenance of the pole and antenna equipment would seem to be the primary reason for the aforementioned language suggesting locating the antenna/poles outside the RPA. In this particular situation, there is already an existing road, which pre-dates the CBPO, within the RPA for access. In addition, the proposed location is within an existing tree line which would help camouflage the antenna/pole from neighboring properties and electricity is readily available. Given these circumstances and the enabling language of the CBPO, location of this antenna/pole within the RPA would seem acceptable. Should the Board feel otherwise, an alternate, but less desirable, location outside the RPA has been identified. In either location, this antenna/pole has the potential to serve many homes in the Morattico area.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been one response from the public seeking additional information.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Conley Properties, LLC to place a data antenna/pole under 100 feet tall for wireless Internet access on a 13.55-acre parcel described as Tax Map #12-19L, zoned R-1, Residential General and is located off Mulberry Creek Road (VSH 748).

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

3. Application for Special Exception – Wendy Lashon Henderson (Individual Manufactured Home – Mr. Gill presented an Application for Special Exception by Wendy Lashon Henderson to place an individual manufactured home on a 1.384-acre parcel described as Tax Map #21-134A. This property is zoned R-1, Residential General and is located behind 232 Buzzards Neck Road in District 2.

Mr. Gill said Article 5-1-3 of the Zoning Ordinance requires a special exception for the placement of individual manufactured homes such as this (14 feet X 66 feet single wide). Previous similar approvals by the Board of Supervisors have been based on whether any legitimate concerns could be raised by adjacent property owners.

Mr. Gill said this property has approved septic and well sites under the Department of Health HDID Permit #151-07-0342. All front, rear and side setbacks can be met. Similar types of manufactured homes exist in this neighborhood.

Mr. Gill stated this issue has been advertised and adjoining property owners notified as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by Wendy Lashon Henderson to place an individual manufactured home on a 1.384-acre parcel described as Tax Map #21-134A. This property is zoned R-1, Residential General and is located behind 232 Buzzards Neck Road.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

4. Application for Special Exception – Mark E. Boswell – Mr. Gill presented an Application for Special Exception by Homer H. Kephart, Trustee c/o Steve Rula (owner) and Mark E. Boswell (agent) to operate a year round oyster growing and shipping facility on a 0.580-acre parcel described as Tax Map #40-36A and a 1.0-acre adjoining parcel described as Tax Map #40-37D. This property is zoned R-1, Residential General and is located off Windmill Point Road on Windmill Point Creek in District 3.

Mr. Gill stated the applicant is leasing an old oyster house (Routt's oyster house long ago) on the referenced tax map parcels on Windmill Point Creek near the end of Windmill Point Road. The old oyster house was abandoned and dormant for many years and has thus lost its authorized non-conforming status under Article 12-1-3 of the Zoning Ordinance. The requested use involves "bagging, tagging and selling" oysters year round. It is a prime example of modern day aquaculture. It involves buying 2 mm oysters and raising them to half-inch size in upweller tanks in the old oyster house and then transferring them

to cages in Windmill Point Creek for 18 to 24 months to reach 3-inch market size. The oysters are then harvested and brought back to the oyster house to be graded, bagged, tagged and sold. This size operation will generate only one truckload of oysters leaving the site per week.

Mr. Gill said if this were a traditional, seasonal oyster house, i.e. harvesting and selling during oyster season only, it would be exempt under Article 12-1-3 and not need a special exception. However, due to the commercial, year round nature of this business, I advised the applicant to seek the special exception under Article 5-1-9 which states, "*Areas of basic seafood processing facilities, with a special exception,*" so there would be no question as to the legality of this business in a residential zoning district.

Mr. Gill stated this request has been advertised and adjoining property owners notified as required by law. To date, there has been no response from the public.

Chairman Beauchamp opened the public hearing.

Bruce King stated it is good to see this old oyster house will be used to operate a year round oyster growing and shipping facility. He asked the board to approve this request.

Chairman Beauchamp closed the public hearing.

Mr. Bellows made a motion to Approve the Application for Special Exception by Homer H. Kephart, Trustee c/o Steve Rula (owner) and Mark E. Boswell (agent) to operate a year round oyster growing and shipping facility on a 0.580-acre parcel described as Tax Map #40-36A and a 1.0-acre adjoining parcel described as Tax Map #40-37D, zoned R-1, Residential General and is located off Windmill Point Road on Windmill Point Creek.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

- 5 . CY 2012 Lancaster County Tax Rate – Mr. Pleva stated the Board will take public input on the proposed tax rates for Lancaster County for CY 2012 and set the rates by ordinance.

Mr. Pleva said the proposed ordinance has been advertised as required by law in the June 14, 2012 and June 21, 2012 editions of the Rappahannock Record.

Beginning January 1, 2012 until December 31, 2012 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

Chairman Beauchamp opened the public hearing.

George Bott, District 1 stated the fund balance is 15% of the total budget.

He believes that is too much and if the tax rate is reduced by .02¢ there would be a fund balance of \$3.3 million which is sufficient.

Charles Costello, District 2 said this year the General Assemble gave an unfunded mandate with Virginia Retirement System (VRS) of 5% which decreased the fund balance by \$873,000. He believes it very important to maintain the fund balance because the county never knows when it will be needed.

Chairman Beauchamp closed the public hearing.

Mr. Jenkins stated he believes a reduction of .02¢ on the real estate tax would still allow the county to maintain a sufficient fund balance. He cautioned citizens because this same time next year after the assessment the tax rate may go back up.

Mr. Jenkins made a motion to Adopt the following Ordinance for the Tax Levy for Calendar Year 2012 to reflect the following:

- Real Estate - \$0.38 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 - \$0.38 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:	B. Wally Beauchamp	Nay
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay
	Jason D. Bellows	Nay
	William R. Lee	Nay

Motion failed 1 – 4.

Mr. Palin said he would like to maintain the current tax levy rate as advertised. Look at the need in Emergency Services, General Assembly unfunded mandates, and Virginia Retirement System (VRS). He would prefer to leave the tax rate as it is because if there is a fund balance reduction, services may have to be cut in public safety and other areas. Again, he stated he would like to maintain the current tax levy rate and fund balance.

Mr. Jenkins said no one has given a good reason to keep a \$4 million fund balance. He stated Mr. Larson has done a great job over the last several years on the budget. Keeping a high fund balance “just because” is not a good reason.

Mr. Palin stated the funds balance was not being kept without reason, the funding may be needed for unforeseen but necessary expenses. We can not see into the future, otherwise we could budget down to the penny. Therefore, we have to maintain a fund balance for unexpected occurrences.

Mr. Jenkins stated the fund balance continues to increase every year.

Mr. Bellows believes it is good to keep money in the pockets of the people. He said he does not want to reduce the tax rate this year and than double the increase next year.

Mr. Lee agreed with Mr. Bellows.

Mr. Palin made a motion to Adopt the following Ordinance for the Tax Levy for Calendar Year 2012 as advertised to reflect the following:

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:	B. Wally Beauchamp	Nay
	F. W. Jenkins, Jr.	Nay
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Nay
	William R. Lee	Aye

Motion failed 2 – 3.

Mr. Bellows made a motion to Adopt the following Ordinance for the Tax Levy for Calendar Year 2012 to reflect the following:

Real Estate - \$0.39 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 - \$0.39 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:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay
	Jason D. Bellows	Aye
	William R. Lee	Nay

Motion passed 3 – 2.

- 6 . Proposed Amendment of the Lancaster County Code Pertaining to the Payment of Administrative Costs for the Collection of Delinquent Taxes – Mr. Pleva stated the Treasurer, the Hon. Bonnie J. D. Haynie, has recommended that the Lancaster County Code be amended to increase administrative costs incurred during the collection of delinquent taxes to the maximum amounts authorized by Section 58.1-3958 of the *Code of Virginia, 1950, as amended*. The administrative costs shall be in addition to all penalties and interest. The board will receive public comments and to consider the adoption of a proposed amendment to Section 62-4 of the *Lancaster County Code* pertaining to the payment of administrative costs for the collection of delinquent taxes. In fact, the Treasurer estimates that the higher administrative costs that are authorized by the Virginia Code would have generated an additional \$30,000 in Fiscal Year 2010-11.

**PROPOSED AMENDMENT TO SECTION 62-4 OF THE COUNTY CODE
PERTAINING TO THE PAYMENT OF ADMINISTRATIVE COSTS FOR
THE COLLECTION OF DELINQUENT TAXES**

Sec. 62-4. – Fees for collection of delinquent taxes and other charges

- (a) There is hereby imposed on every delinquent taxpayer owing taxes or other charges to Lancaster County a fee of 20 percent of the amount of the taxes and other charges collected there from to cover the administrative costs and reasonable attorney's or collection agency's fees as actually contracted for by the treasurer or other duly authorized official of Lancaster County.
- ~~(b) The administrative costs herein imposed shall be in addition to all penalties and interest, and shall not exceed \$20.00 for taxes collected subsequent to 30 or more days the filing of a warrant or other appropriate legal document but prior to judgment, and \$25.00 for taxes collected subsequent to judgment.~~
- (b) The administrative costs shall be in addition to all penalties and interest, and shall be \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to § 58.1-3919 of the Code of Virginia, 1950, as amended, but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.
- (c) No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980 of the Code of Virginia, 1950, as amended, and as the same is limited pursuant to the provisions of § 58.1-3958 of the Code of Virginia, 1950, as amended.

- (d) This section is enacted pursuant to the authority of §58.1-3958 of the Code of Virginia, 1950, as amended and is effective immediately upon adoption.

~~Strikethrough~~: Words or figures proposed to be deleted

Underlined: Words or figures proposed to be added.

Statutory Authority for Proposed Amendment: Section 58.1-3958 of the *Code of Virginia, 1950, as amended*.

Chairman Beauchamp opened the public hearing.

Hearing none Chairman Beauchamp closed the public hearing.

Mr. Jenkins made a motion to Adopt the Proposed Amendment to Section 62-4 of the County Code pertaining to the payment of administrative costs for the collection of delinquent taxes.

**PROPOSED AMENDMENT TO SECTION 62-4 OF THE COUNTY CODE
PERTAINING TO THE PAYMENT OF ADMINISTRATIVE COSTS FOR
THE COLLECTION OF DELINQUENT TAXES**

Sec. 62-4. – Fees for collection of delinquent taxes and other charges

- (a) There is hereby imposed on every delinquent taxpayer owing taxes or other charges to Lancaster County a fee of 20 percent of the amount of the taxes and other charges collected there from to cover the administrative costs and reasonable attorney's or collection agency's fees as actually contracted for by the treasurer or other duly authorized official of Lancaster County.
- (b) The administrative costs shall be in addition to all penalties and interest, and shall be \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to § 58.1-3919 of the Code

of Virginia, 1950, as amended, but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.

- (c) No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980 of the Code of Virginia, 1950, as amended, and as the same is limited pursuant to the provisions of § 58.1-3958 of the Code of Virginia, 1950, as amended.
- (d) This section is enacted pursuant to the authority of §58.1-3958 of the Code of Virginia, 1950, as amended and is effective immediately upon adoption.

ROLL CALL

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to Approve the Consensus Docket and recommendations as follows:

- A. Minutes for April 19, April 30, May 22, May 29, May 31 and June 6, 2012

Recommendation: Approve minutes as submitted with a correction to May 29, 2012

B. Abstract of Votes – Republican Primary Election for United States Senator held June 12, 2012

Recommendation: Accept abstracts as submitted

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of June 2012 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for June 2012 in the amount of \$219,896.26 and Invoice Listings for June 2012 in the amount of \$400,297.89*.

*Capital Improvements \$46,106.00

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

2. FY 2013 Lancaster County Operating and Capital Improvement Budgets – Mr. Pleva asked the board for consideration and approval of the subject budgets.

Mr. Pleva stated the Board of Supervisors received public input on the subject budgets on June 21, 2012. 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 \$27,524,837 and projected revenues of \$26,651,744. Fund balance at the end of FY 2013 is projected to be \$3,954,483. New capital improvement expenditures, proposed, are zero.

Mr. Jenkins stated that he was proposing a reduction in the approved school board budget by \$242,224.00. This could be done by reducing the schools appropriation by this amount while approving the total county's budget.

Mr. Palin stated the Board held a public hearing for the school budget and approved the school budget. He does not feel this is an appropriate action to take, decreasing the school's budget after it has already been approved at a previous meeting. The school division has already started issuing contracts based upon the funds the county previously approved. He said that he did not feel that this proposed action of reducing the appropriations to the school division is the appropriate action to take. The school division representatives have not been informed of this proposed action and are not here to respond to this proposed action. He stated this was wrong and he would vote against the motion.

Mr. Jenkins made a motion to approve the FY 2013 Lancaster County Operating and Capital Improvement Budget to include a lump sum amount of \$15,000,000 to the Lancaster Public Schools.

	FY12	FY13	Change
OPERATING BUDGET			
Fund Balance beginning of year	4,599,107	4,827,575	228,468
Revenues			
General Property Taxes	14,638,000	14,638,000	0
Other Local Funds	2,414,700	2,512,700	98,000
Funds from Commonwealth	3,659,000	3,684,600	25,600
Funds from Federal Government	650,000	650,000	0
School Operating Revenues	4,601,785	4,581,444	-20,341

School Cafeteria Revenues	580,000	585,000	5,000
Total Revenue	26,543,485	26,651,744	108,259
Fund Transfers	928,000		
Funds Available	32,070,592	31,479,319	-591,273
Expenditures			
General Government	1,400,373	1,422,783	22,410
Courts	648,583	672,125	23,542
Public Safety	3,679,754	4,102,461	422,707
Public Works	1,184,604	1,195,817	11,213
Health and Welfare	2,546,553	2,523,754	-22,799
Education (Non-public schools)	6,144	6,144	0
Recreation & Cultural Activities	172,345	172,345	0
Community Development	404,880	406,008	1,129
Non Departmental	67,425	69,425	2,000
School Operating	15,028,291	15,000,000	-28,291
School Cafeteria	580,000	585,000	5,000
Debt Service	1,524,065	1,125,289	-398,776
Total Expenditures	27,243,017	27,281,151	38,134
Fund Balance End of Year	4,827,575	4,198,168	-629,407
Funds Available			
Bond Sales Carryover	281,029	0	-281,029
Sale of Poor House Tract			
Portion	475,053	339,058	-135,995
			0
Total Funds Available	756,082	339,058	-417,024
			0
Expenditures--Total	283,547	0	-283,547

VOTE: B. Wally Beauchamp Aye
 F. W. Jenkins, Jr. Aye
 Ernest W. Palin, Jr. Nay
 Jason D. Bellows Aye
 William R. Lee Nay

3. FY 2103 Appropriation Resolution – Mr. Pleva asked the Board of Supervisors for approval of an appropriation resolution to fund County and School Board operations for fiscal year 2012-2013.

Mr. Pleva stated this resolution would provide annual funding in the total amount of \$27,282,613 the approved FY 2013 Operating and Capital Improvement Budgets. As in recent years all funding is proposed as a lump sum appropriation to include the Schools Operating Budget.

Mr. Jenkins made a motion to approve the FY 2012-2013 Appropriation Resolution for the County Operating Budget in the amount of \$27,282,613 to include the School Board Budget in the amount \$15,000,000.

FISCAL YEAR 2012 - 2013 APPROPRIATIONS

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 2012 - 2013 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, 2012 through June 30, 2013.

Operating Budget

Board of Supervisors	\$ 46,445
County Administration	419,951
County Attorney	25,000
Independent Auditor	34,200
Real Estate Assessor	125,000
Commissioner of the Revenue	275,165
Treasurer	282,109
Information Technology Services	100,684
Electoral Board	32,999
Registrar	86,272
Circuit Court	12,981
General District Court	3,400
Magistrate	600
Juvenile & Domestic Relations Court	1,825
Clerk of the Circuit Court	305,309
Court Appointed Special Advocates	3,000
Victim/Witness Assistance	27,724
Commonwealth's Attorney	317,286
Sheriff (Law Enforcement)	1,596,611
School Resource Officer	55,377
Volunteer Fire Departments	248,000
Rescue Services (EMS)	63,639
Paid Rescue Services (EMS)	854,623
Forest Fire Service	4,000
Local Emergency Services	29,620
Sheriff (Corrections)	924,998
Juvenile Probation Office	48,750
Electronic Monitoring Program	20,000
Building Inspections	128,191
Animal Control	124,872

Medical Examiner	200
Refuse Disposal	935,360
General Properties	260,457
Health Department	201,352
Free Health Clinic	96,477
Community Services Board	36,744
Bay Aging	70,549
Rappahannock Legal Services	5,600
The Haven Crisis Shelter	3,500
Comprehensive Services Act	600,000
Social Services Board	1,449,257
Virginia Quality Life	10,000
Boys and Girls Club of America	50,000
Lancaster Chamber of Commerce	275
Rappahannock Community College	6,144
YMCA	75,000
Mary Ball Washington Museum	4,400
Historic Resources Commission	200
Community Library	92,745
Northern Neck – Chesapeake Bay Partnership	6,000
Rappahannock River Basin Commission	1,000
Land Use Administration	231,170
Department of Housing	54,004
Planning District Commission	22,000
Soil and Water Conservation District	10,000
Wetlands Board	11,163
Board of Zoning Appeals	2,170
Planning Commission	8,353
Cooperative Extension Service	60,149
Landfill Closure Management	7,000
Enhanced Emergency (E-911) Telephone System	62,425

Lancaster Public Schools	15,000,000
School Cafeteria Fund	585,000
Debt Service	<u>1,125,289</u>
Total Operating Budget Appropriations	\$ 27,282,613

Capital Improvements Budget

Total Capital Improvements Budget	\$0
-----------------------------------	-----

TOTAL BUDGET

Total Operating & Capital Improvements Budgets	\$27,282,613
--	--------------

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 fiscal year ending June 30, 2013 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 fiscal year ending June 30, 2013.

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, 2013 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as 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, 2013 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:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Nay
	Jason D. Bellows	Aye
	William R. Lee	Nay

4. Collection of Delinquent Real Estate Taxes – Mrs. Haynie stated a Request for Proposals to solicit responses from Attorney/Law Firms to provide legal services for the collection of delinquent real estate and personal property taxes in

Lancaster County was advertised with four responses.

Mrs. Haynie said there were four responses to the County's RFP for delinquent tax collections – 1) John C. Hutt, Jr. and Associates partnering with Smith and Smith, Montross, Virginia; 2) TaxServ Capital Services VA, LLC, McLean, Virginia; 3) National Action Financial Services, Williamsville, New York; and 4) Taxing Authority Consulting Services, PC (TACS). The only firm to qualify for an interview was TACS. The first two firms were disqualified for not including a bid declaration as required with their proposal. TACS was interviewed by a panel comprised of Frank Pleva, County Administrator, Jack D. Larson, Assistant County Administrator, Daphne J. Forrester, Master Governmental Deputy Treasurer and myself. The panel recommends the award of contract to Taxing Authority Consulting Services, PC.

The principal reasons for this recommendation are:

1. They currently work with Middlesex and Mathews Counties and are familiar with small localities.
2. One partner has several years' experience working in a Treasurer's office as a deputy as well as with the Virginia Department of Taxation and one partner worked for Sands Anderson Marks and Miller in the delinquent real estate department doing judicial sales.
3. This firm currently works with the Treasurers' Association of Virginia in the development of curriculum and teaching for the Certification Program.
4. Have personally known these gentlemen for the last five years and have found them to be extremely courteous and professional. They had previously fined the bankruptcy claims received by Lancaster County prior to me taking the class and being able to do them myself.

Mr. Jenkins made a motion to Approve the awarding of a contract to Taxing Authority Consulting Services, PC (TACS) law firm to provide delinquent

collection services until canceled or revoked and authorize the County Administrator, on behalf of the Treasurer, and the County Attorney to prepare and execute the appropriate contract.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

5. Greentown/Gaskins Road Community Development Project – USDA/Rural Development Public Utilities Loan – Mr. Pleva stated the Greentown - Gaskins Road Community Development Project primarily entails the rehabilitation of single-family housing units of approximately 40 low and moderate income households as well as the installation of potable water and sanitary sewer facilities for these houses. The United States Department of Agriculture – Rural Development (USDA – RD) has approved a public utility grant and matching low-interest loan for the wastewater facilities portion of this long-awaited project just within the last month. Other federal project grant funds, specifically a Community Development Block Grant (CDBG), could not be contracted for and disbursed until the USDA – RD grant and loan monies were approved by that agency.

Mr. Pleva said federal grant funding for the project includes up to \$1,400,000 in two installments of CDBG funds and \$511,000 of USDA – RD grant funds. The non-grant portion of the project includes a local (Lancaster County) matching contribution of \$234,000, which has largely already been expended on engineering fees and land acquisition for the wastewater treatment and disposal site, as well as a \$170,000 low-interest loan from USDA – RD. The loan will fund the 25% local match required by USDA – RD for its \$511,000 grant investment in the project. The loan will have a “poverty” interest rate of

2.0% and will be payable annually over 40 years. The aforementioned interest rate is over a percentage point lower than the interest rate previously utilized by USDA - RD. The county's annual debt service payment to USDA – RD will be approximately \$6,400 per year.

Mr. Pleva said because the Northern Neck Planning District Commission (NNPDC) has successfully administered comprehensive CDBG projects in Westmoreland, Northumberland and Montross and the county's lack of such experience in these types of projects, the county approached the NNPDC about performing the project and grant administration requirements for the Greentown - Gaskins Road Community Development Project on the county's behalf. (Westmoreland County's Monroe Hall and Northumberland's Lite Street projects are similar to the Greentown - Gaskins Road Community Development Project in the various types of community development activities to be undertaken.) The NNPDC will not receive any county funds for performing the grant and project administration-related functions and activities; rather, it will receive only project administration funds that are provided under the federal CDBG grant.

Mr. Jerry W. Davis, Executive Director of the NNPDC, said they are certainly willing and able to perform the project and grant administration requirements for the Greentown - Gaskins Road Community Development Project on the county's behalf. The NNPDC has successfully administered comprehensive CDBG projects for surrounding counties

Mr. Lee made a motion to Approve a public utility loan with the USDA – Rural Development subject to the following conditions: (1.) the maximum loan amount shall be \$170,000 to finance the non-grant portion of the construction of the project's wastewater collection, treatment and disposal system; (2.) the maximum interest rate shall be 2.0%; (3.) the Board of Supervisors shall approve in advance any proposed changes to the maximum loan amount, the maximum interest rate and/or debt service schedule; and (4.) all contracts that bind the

federal CDBG grant funds (the primary source of project funding) shall be executed prior to the execution of any binding grant and loan documents with the USDA – Rural Development.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Nay
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

6. Application for Co-Holding of Conservation Easement – Pirkko Maija – Leena Graves – Mr. Gill presented an Application for Co-holding of Conservation Easement by Pirkko Maija-Leena Graves on a 15.2-acre parcel described as Tax Map #34-274G. This property is zoned R-1, Residential General and is located at 1017 Cherry Point Road near White Stone in District 3.

Mr. Gill said the Board of Supervisors approved Article 27 "Conservation Easements Program" on 11-28-11 paving the way for the County to co-hold conservation easements with qualified non-public bodies such as the Northern Neck Land Conservancy (NNLC). Conservation easements are a recognized way of preserving open space and farmland, which was a predominant theme expressed during the last update to the Comprehensive Plan. Conservation easements are legal documents which control the amount, if any, of development that will be allowed on a parcel of land in perpetuity. Traditionally, conservation easements have been held by organizations such as the Virginia Outdoors Foundation and The Nature Conservancy, but these large organizations will not usually accept easements on parcels less than 100 acres. This leaves a void in the system for those parcels less than 100 acres which may be equally deserving of preservation. Article 27 was adopted to help fill that void.

Mr. Gill said we have our first potential co-held conservation easement on 15.2 acres of waterfront in the Cherry Point area of White Stone on Tax Map Parcels 34-274, 274C,D,E,F,G and H, which were merged into one parcel (now #34-274G) by Instrument #110001567 recorded in the Lancaster County Circuit Court Clerk's office on August 29, 2011.

Mr. Gill stated Article 27 requires that the qualified non-public body, in this case the NNLC, do the majority of the work involved with the conservation easement including preparing the Baseline Documentation Report, preparing the Deed of Easement and conducting the annual monitoring visits. The applicant has submitted the appropriate application to the County and has paid the required \$750 fee. The County Attorney has reviewed and tweaked the Deed of Easement and has approved the version provided for the board review.

Mr. Gill said he walked the site with Joe Thompson, Field Director of the NNLC, on April 16. It is a beautifully wooded parcel bordering a tranquil cove of the Rappahannock River. However, the development potential of this parcel is limited. When the 100-foot Resource Protection Area (RPA) buffer is applied and the 50-foot frontyard setback from both the recorded right-of-way and Cherry Point Road is applied, a small, narrow and steep building envelope remains. As a result, this parcel would not lend itself well to future development, but does justify conservation and preservation based on the criteria discussed in the Baseline Documentation Report.

Mr. Gill stated, after staff research, the tax revenue ramifications to the County by placing this parcel into a conservation easement. When this property was seven separate parcels, they had a combined assessed value of \$898,200 generating tax revenue of \$3,592.80. After the merger of the seven parcels into one 15.2-acre parcel in 2011, the assessed value was \$413,200 generating \$1,652.80 in tax revenue. If this 15.2-acre parcel is placed under conservation easement, the assessed value will be \$363,500 and generate \$1,454 in tax revenue

to the County. As a result, placing this parcel under conservation easement would only result in the loss of \$198.80 in tax revenue to the County. The major reduction in tax revenue to the County on this parcel occurred when the seven parcels were merged into one parcel in August 2011.

Mr. Lee Stephens, Attorney for the Northern Neck Land Conservancy (NNLC) said he spoke with Mr. Beauchamp who had a question about the language and if this was river front property. It is not river front property. The property is on Cool Spring Road and the tidal pond has been called Cool Spring Cove, therefore a few minor modifications will be made.

- 1) On page 5 (R-13) Watershed Protection. Will change wording to unnamed tidal pond.....locally known as Cool Spring Cove.
- 2) On page 11 (2.4.1) Forested Waterfront Buffer. A 100-foot buffer....insert Cool Spring Cove and strike tidal pool of the Rappahannock River.
- 3) On page 11 (2.4.2.5) Strike the Rappahannock River and insert Cool Spring Cove, any wetlands, or ephemeral streams on the property....

Mr. Bellows made a motion to Approve the Application for Co-Hold of Conservation Easement made by Pirkko Maija-Leena Graves on a 15.2-acre parcel described as Tax Map #34-274G. located at 1017 Cherry Point Road near White Stone with the appropriate changes as stated.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye

BOARD REPORTS

None

COUNTY ADMINISTRATOR

Abbott/Alga Deed of Easement Request

Mr. Pleva stated he received a letter from Matson Terry, Esq. regarding a request for deed of easement of a right-of-way approximately 0.1 mile across county-owned property, which is now being used as a parking lot for the new Lancaster County Judicial Center (VSH 600) for the estate of Bertha G. Abbott and Abbott and David and Nan Alga. Under Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended, the Board of Supervisors shall conduct a legally advertised public hearing. He asked the Board to authorize him to advertise for public hearing at the regular monthly meeting on Thursday, July 26, 2012.

By consensus of the Board, authorized the county administrator to advertise the Abbott/Alga Deed of Easement Request for public hearing at the regular monthly meeting on Thursday, July 26, 2012.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	Jason D. Bellows	Aye
	William R. Lee	Aye