

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, July 29, 2010.

Members Present: Jack S. Russell, Chair
Ernest W. Palin, Jr., Vice Chair
Peter N. Geilich, Board Member
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member

Staff Present: William H. Pennell, Jr., County Administrator
Jack D. Larson, Assistant County Administrator
Don G. Gill, Planning and Land Use Director

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

PUBLIC INPUT

None.

PRESENTATIONS

1. Introduction of the new Extension Office Unit Coordinator - Kathleen Watson – Ms. Watson stated she is the new Extension Office Unit Coordinator following the July 10, 2010 retirement of Annette Jewell, former Extension Office Unit Coordinator. She previously worked in the Northumberland Office but covered both counties and has had an opportunity to meet some of the Board of Supervisors members. She stated she referred Mr. Pennell to a survey from Virginia Extension and he provided a link to each board member and requested that once they complete the survey online.

The Board of Supervisors welcomed Ms. Watson.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Countywide Maintenance

Mr. Trapani stated mowing on the secondary routes and cutting at intersections to improve site distance was underway.

VDOT Job Opportunities

Mr. Trapani said he got approval to hire four crew member positions and two ferry operators. He stated interviews for the four crew members will begin the week of August 2, 2010.

Granville Bay Road Project

Mr. Trapani said the Granville Bay Road project should have permits in hand sometime in August.

VSH 600/Courthouse Road and VSH 3

Mr. Palin asked if shorter cones could be used at the intersection of VSH 600/Courthouse Road and VSH 3.

Mr. Trapani stated shorter cones can not be used, however; maybe the cones can be moved to a better location.

Mr. Pennell stated the paving is almost completed and the cones would be removed soon.

PUBLIC HEARING

1. Revisions to the Zoning Ordinance Article 23 – Floodplain Overlay District – Mr. Gill presented the Revisions to the Zoning Ordinance Article 23 – Floodplain Overlay District required for compliance with the National Flood Insurance Program.

Mr. Gill said FEMA has revised the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Lancaster County effective September 17, 2010. As part of this process, Lancaster County is required to update and adopt a compliant floodplain ordinance by that date to keep those affected properties eligible for the National Flood Insurance Program. Our current floodplain ordinance, Article 23 – Floodplain Overlay District, has been reviewed and revised for compliance with FEMA guidelines by Alison Meehan, Floodplain Program Planner for the Virginia Department of Conservation and Recreation.

Mr. Gill stated at its meeting on June 17, 2010 (minutes were provided for the Board of Supervisors review), the Planning Commission recommended upon the advice of Steve Daum, Lancaster County Building Official, that the freeboard (the safety factor expressed in feet above the base flood elevation) be increased from one foot to one and one-half feet. It was also recommended that the definition of “freeboard” be expanded to clarify the measurement point as being from the top of the first finished floor. These changes have been incorporated into the attached revised ordinance. New language is in bold print. The Planning Commission has forwarded the revised Zoning Ordinance Article 23 – Floodplain Overlay District to the Board of Supervisors recommending approval.

Mr. Gill said advertising has been conducted as required by law. To date, there has been no response from the public other than that previously discussed at the Planning Commission meeting.

Chairman Russell opened the public hearing.

Hearing none, Chairman Russell closed the public hearing.

Mr. Jenkins made a motion to approve the Revisions to the Zoning Ordinance Article 23 – Floodplain Overlay District required for compliance with the National Flood Insurance Program.

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. Joanna A. and Tristram T. Hyde, IV – Application for Special Exception – Mr. Gill presented an Application for Special Exception by Joanna A. and Tristram T. Hyde, IV to operate a Bed and Breakfast on property described as Tax Map #6-2D and #6-2E. These parcels are zoned A-2, Agricultural, General and are located at and adjacent to 491 Russell Lane near Litwalton in Voting District 2.

Mr. Gill said Article 4-1-46 of the Lancaster County Land Development Code allows a Bed and Breakfast (B&B) with a special exception in the A-2 Agricultural, General District. The applicant wishes to use the existing house as a B&B to accommodate people visiting the area. The house is situated on Tax Map # 6-2D and has three/four bedrooms with three baths, a common kitchen, dining and family room area with a large porch and two decks. Mr. Gill provided the board with photographs, floor plan, surveys and drawings. The existing well and septic are adequate as the number of bedrooms and baths does not change. Ingress and egress via Russell Lane (50’ right of way) to VSH 742 (Shore Drive) is adequate as well. Parking is not a problem on this 15-acre parcel. The

applicant included Tax Map #6-2E (24.31-acres) in this request as that adjoining parcel has the dock that will be used by the guests of the B&B.

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

Chairman Russell opened the public hearing.

Frank Franklin stated he fully supports this project, good for the county and neighborhood.

Chairman Russell closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by Joanna A. and Tristram T. Hyde, IV to operate a Bed and Breakfast on property described as Tax Map #6-2D and #6-2E, parcels are zoned A-2, Agricultural, General and are located at and adjacent to 491 Russell Lane near Litwalton in Voting District 2.

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

3. Drainfield Availability – County Property at Nuttsville Refuse Site – Mr. Pennell stated the Lancaster Department of Housing has an opportunity to provide water and sewage treatments opportunities to a family living on Gaines Road near the Nuttsville refuse site. However, an easement onto county property in the rear of this home is required to find the necessary area to install an approved drainfield.

Mr. Pennell In order to alleviate a very bad situation for residents along Gaines Road, the housing department is requesting permission to install a well and septic system and construct a new home to replace an old trailer. The Health Department attempted to locate a suitable area for installation of a septic system on the property owned by the citizen to no avail.

Mr. Pennell said staff has located a suitable area for the drainfield off the citizen's property and on the county land behind the home. He provided the board with documentation which explains this issue in greater detail.

Mr. Pennell stated county staff also suggests that if a drainfield and a well are located in this area, the county could use these resources and provide water and or a bathroom at the refuse site. The water would be used to clean around the compactor and the bathroom to end the use of a portable toilet and its continuing fees.

Chairman Russell opened the public hearing.

Hearing none, Chairman Russell closed the public hearing.

Mr. Palin made a motion to approve granting an easement over county property so the home can obtain health department approval for sewage disposal. In order for the Indoor Plumbing/Rehabilitation Program to provide a well, septic treatment and construction of a new home.

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

CONSENSUS DOCKET

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

A. Minutes for June 24, 2010

Recommendation: Approve minutes as submitted

B. Declaration of Local Emergency – High Fire Hazard

Recommendation: Adopt the following resolution:

**LANCASTER COUNTY, VIRGINIA
EMERGENCY BAN ON OPEN BURNING**

WHEREAS, due to the extremely dry conditions during this period in time, the Lancaster County Board of Supervisors, through its Department of Emergency Services has declared an absolute ban on open burning effective 9 a.m., Wednesday, July 7, 2010 throughout Lancaster County.

NOW THEREFORE BE IT RESOLVED, that this open burning ban will remain in effect until conditions improve and the risk of uncontrolled fire is diminished. Citizens are asked to contact the Lancaster County Sheriff's Office if an open fire is observed during this open burning ban.

C. FY 09 CCP Grant Program and FY 09 EMPG Grant Program

Recommendation: Adopt the following resolutions:

FY 2009 CITIZEN CORPS & CITIZEN PREPAREDNESS (CCP) GRANT PROGRAM

BE IT RESOLVED, that the Lancaster County Board of Supervisors authorizes the County Administrator and the Chief of Emergency Services to execute the FY 2009 Citizen Corps & Citizen Preparedness Grant on behalf of enhancing citizen preparedness and the associated programs within Lancaster County.

**FY 2009 & FY 2010 LOCAL EMERGENCY MANAGEMENT
PERFORMANCE GRANT (EMPG) PROGRAMS**

BE IT RESOLVED, that the Lancaster County Board of Supervisors authorizes the County Administrator and the Chief of Emergency Services to execute the FY 2009 Local Emergency Management Performance Competitive Grant & FY 2010 Local Emergency Management Performance Grant on behalf of enhancing the comprehensive emergency management program within Lancaster County.

D. 2010 Drought Disaster Declaration Resolution

Recommendation: Adopt the following resolution:

DROUGHT DISASTER DECLARATION

WHEREAS, the industries of agriculture and silviculture annually contributes over \$3 million to the economy of Lancaster County; and

WHEREAS, agricultural and silvicultural lands are recognized as natural resources which must be conserved and protected, and

WHEREAS, agriculture and silviculture are important to the environment, water resources and wildlife; and

WHEREAS, the continuing lack of significant, timely rainfall has and will inflict heavy financial losses on the agricultural and silvicultural community; and

WHEREAS, the yields of the principal crops produced in the County of Lancaster, including corn, soybeans, and forages, have been significantly reduced.

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors declares there to be a State of Emergency in Lancaster County by virtue of the impact on agricultural and silvicultural businesses of a lack of crop sustaining rainfall; and

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors requests Governor McDonnell to have Lancaster County, Virginia, designated as an agricultural and silvicultural disaster area.

E. Community Services Board – Emergency Services Memorandum of Agreement

Recommendation: Approve memorandum of agreement as submitted and authorize the county administrator to execute the document on behalf of the Board of Supervisors

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 July 2010 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the salaries for July 2010 in the amount of \$216,039.10* and Invoice Listings for July 2010 in the amount of \$1,812,134.79*.

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

*Judicial Center Expenses \$851,218.29

*Interest on Loans \$128,365.00

2. Proposed EMS Fee Schedule Revision – Mr. Larson asked the Board of Supervisors to consider the proposed change to the Lancaster County Emergency Medical Service (EMS) fee schedule.

Mr. Larson said Intermedix, our ambulance billing service, has proposed a change to one of the fees charged for ambulance services. This proposal is part of their contract service whereby they are required to periodically assess other billing services in the geographical vicinity to ensure that Lancaster County rates are consistent with other rates. Intermedix is proposing that the rate for the Basic Life Service (BLS) transport category be increased from \$350.00 per transport to \$425.00 per transport. Mr. Larson provided the board with results of the survey conducted by Intermedix for all transport categories, localities comparison as well as the mileage rate.

	Caroline	Richmond County	Urbanna	Lancaster	Average
BLS	\$400.00	\$550.00	\$700.00	\$350.00	\$432.40
ALS				\$500.00	\$468.60
ALS2				\$600.00	\$635.40
Mileage (per mile)				\$ 9.00	\$ 8.42

Mr. Beauchamp made a motion to accept the rate increase for Basic Life Services (BLS) to \$425.00 per transport as submitted.

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

3. Utility Building Construction Contract – Mr. Larson requested Consideration of award for construction of a utility building to replace the one demolished as part of Judicial Center construction.

Mr. Larson stated there were three responses to a Request for Proposals (RFP) for construction of a utility building. The intent of an RFP vice an Invitation to Bid (IFB) was to allow respondents to propose alternative types of construction such as frame or steel. The respondents were C.W. Walker Construction, LLC, W.R. Whaley Contracting, Inc., and David A. Nice Builders, Inc. Walker and Nice proposed virtually identical frame buildings while Whaley proposed a steel building. Each respondent was given an opportunity to provide a “best and final” cost providing similar functionality. Nice’s final offer was \$37,900, Walker’s final offer was \$32,777, and Whaley’s final offer was \$30,716.

The recommendation of Walker, who is not providing the lowest offer, is based on the following:

- 1) Walker is offering a 768 square foot building with a cost per square foot of \$42.68 whereas the Whaley offer is for a 600 square foot building at a cost per square foot of \$51.19 (Note: Whaley initially offered a 900 square foot building at a price of \$35,478 but followed with the 600 square foot building as one more comparable to both County minimal requirements and the other two proposals);
- 2) The Walker offer includes a basic electrical wiring package whereas the Whaley offer states that a similar package is not included in the price. To include the electrical package in the Whaley offer would increase the overall offer price by \$2,500 raising it to \$33,216.

Mr. Larson said it is believed that both C.W. Walker Construction and W.R. Whaley Contracting, Inc. are responsible and responsive bidders who would

construct durable, attractive and long lasting buildings. It is felt, however, that C.W. Walker Construction offer provides better overall value.

Mr. Jenkins made a motion to accept the bid and award the contract to C.W. Walker Construction, LLC in the amount of \$32,777.26 to construct a utility building to replace the one demolished as part of the Judicial Center construction.

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

None.

COUNTY ADMINISTRATOR

None.

ADJOURNMENT

Motion was made by Dr. Russell to adjourn.

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