

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, November 21, 2013.

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

- Staff Present: Frank A. Pleva, County Administrator
Don G. Gill, Planning and Land Use Director
Crystal Whay, Building/Land Use Secretary

Mr. Jenkins called the meeting to order at 7:00 p.m. Mr. Ernest Palin, Jr. was absent.

PUBLIC INPUT

None.

PRESENTATIONS

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Robert Harper of VDOT stated that all snow removal plans have been finalized. He stated that they are fully staffed at headquarters and have all of their materials and equipment.

Mr. Harper stated that their focus would be on brush cutting this winter and they are also working on new mowing and sweeping contracts for next spring.

PUBLIC HEARING

1.) Application for Special Exception – Thomas Linwood Baugh-**Withdrawn by Applicant**

CONSENSUS DOCKET

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

1.) Minutes for October 31, 2013

Recommendation: Approve minutes as submitted

2.) Abstract of Votes – General Election for Governor, Lieutenant Governor, Attorney General, House of Delegates, Board of Supervisors (District 1 and District 5) and School Board (District 1 and District 5) held on November 5, 2013

Recommendation: Approve as submitted

3.) War of 1812 Bicentennial Resolution

Recommendation: Approve resolution

**RESOLUTION COMMEMORATING
THE BICENTENNIAL OF THE WAR OF 1812 IN VIRGINIA AND LANCASTER
COUNTY**

WHEREAS, the American colonies had won their independence from Britain during the Revolutionary War and forged a unique and enduring Democracy dedicated to equal justice, free trade and the rule of law; and

WHEREAS, Britain in the course of the Napoleonic Wars with France blatantly and repeatedly violated the sovereignty of our new nation by restricting free trade and boarding American ships to impress into its service American seaman; and

WHEREAS, in 1807, off the coast of Virginia and without provocation, the British warship HMS Leopard violated this country's sovereignty by firing on the USS Chesapeake, killing and wounding a number of sailors and seizing others for its service; and

WHEREAS, Britain continued to pursue a belligerent policy calculated to restrict and destroy this nation's international trade through diplomatic and economic means beyond all toleration; and

WHEREAS, Britain refused to recognize the western territorial rights of the United States and armed and incited Indian tribes to oppose trade and settlement on the western frontier by citizens of this nation; and

WHEREAS, In January of 1812, the Virginia General Assembly issued a Resolution in support of President Madison's call to arms for possible war, to which Governor Barbour responded by organizing a force of 12,000 militia to defend the Commonwealth; and,

WHEREAS, responding to the leadership of President James Madison and his Secretary of State and later Secretary of War James Monroe, both sons of the Northern Neck, the United States Congress on June 18, 1812, formally declared war against Great Britain, then the strongest nation on earth, to defend the freedom, honor, sovereignty, and economic interests of the United States in what became known as America's Second War of Independence; and,

WHEREAS, in the ensuing two and a half years of bloody conflict, the volunteer forces of our young nation, including many Virginians, fought the forces of the world's most powerful nation to a draw; thereby earning the respect of the world; and,

WHEREAS, in 1813 and 1814, many incursions were made by British forces along the waterways into Lancaster County and the Northern Neck, and local citizens suffered greatly from the interruption of commerce and destruction of property; and,

WHEREAS, on April 3, 1813, one of the largest naval engagements in the War of 1812 in Virginia took place at the mouth of the Corrotoman River, during which one hundred five British naval and marine forces captured four American ships, Arab, Dolphin, Lynx, and Racer, and during which and Capt. W.J. Stafford of the Dolphin, with twelve guns and one hundred men, stubbornly refused to give up when the other ships were taken, and defended his ship until he was severely wounded and his ship boarded;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Lancaster County commemorates the 200th anniversary of the War of 1812 which preserved the sovereignty and independence of the United States and firmly established this great nation as a power in world affairs, and further commends the actions of those brave persons who defended the honor and principles of our county, commonwealth, and nation.

4. Virginia is for Lovers' Day Resolution

Recommendation: Approve resolution

Virginia is for Lovers Day

Whereas, Virginia is for Lovers, the official tourism slogan of the Commonwealth of Virginia, was created in 1969 as a campaign to market the cultural, historic, outdoor, educational and recreational assets of Virginia; and

Whereas, the Virginia Tourism Corporation was established by the General Assembly of Virginia on July 1, 1999 to stimulate the tourism and film industries in the Commonwealth, to support the development of local tourism marketing programs, and to increase the prosperity and welfare of the people of Virginia; and

Whereas, to further this mission, the Virginia Tourism Corporation assists communities and businesses across the state by providing such services as advertising, digital marketing, grants, public relations, promotions, sales, and workforce training, as well as regional planning and product development through Drive Tourism, the Virginia State Tourism Plan; and

Whereas, tourism is a vital component of Virginia's economy and a catalyst for economic growth, entrepreneurship, job creation, and community revitalization; and

Whereas, in 2012, the travel industry ranked as the fifth largest private employer in the Commonwealth, generating \$21.2 billion in visitor spending, supporting 210,000 jobs, and contributing \$1.36 billion in state and local taxes; and

Whereas, in 2012, tourism in Lancaster County generated \$78.4 million in visitor spending, supported 708 jobs, and contributed \$5.4 million in state and local taxes;

Now, Therefore, Be It Resolved that the Board of Supervisors of Lancaster County, Virginia hereby commends the Virginia Tourism Corporation for working in partnership with the County and the Northern Neck Tourism Commission to promote this region as a premier travel destination; and, be it

Resolved Further that the Board of Supervisors hereby proclaims December 6, 2013 as Virginia is for Lovers Day and calls this special observance to the attention of all our citizens.

5. Reappointment of Louise Jesse to the Lancaster County Historic Resources Commission for a three-year term ending December 31, 2016 and Reappointment of William H. Pennell, Jr. to the Lancaster County Economic Development Authority for a four-year term ending November 11, 2017

Recommendation: Approve reappointments

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of November 2013 Salaries and Invoice Listings

The motion was made by Mr. Lee to approve the salaries for November 2013 in the amount of \$246,079.73 and invoice listings for November 2013 in the amount of \$628,210.03*.

*Greentown/Gaskins Road Grant - \$251,913.23

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

2. Lancaster County Schools – Voice Over IP Project

Mr. Pleva stated that Mr. John Mann, the Lancaster County Schools Director of Operations and Transportation, was present to discuss the status of the Voice Over IP Project. He stated that when the project was included in the Capital Improvement Budget last spring, the school system was hoping to receive approximately \$80,000 in reimbursement through e-rate. He stated that at the present time, it does not appear that reimbursement will be forthcoming. He stated that Mr. Mann did not want to proceed with the project until he knew that he had support from the governing body.

Mr. Mann stated that he and the school system wanted to make sure that the Board of Supervisors was aware that, per the e-rate consultant, the school would not get e-rate for priority-two projects. He stated that they would not get the e-rate reimbursement until the school went up to a ninety percent level, which was improbable at the present time.

Mr. Pleva asked Mr. Mann to explain a priority two-project versus a priority-one project.

Mr. Mann replied that priority-one projects included phone lines, cell phones, internet and things of that nature. He stated that those items are still funded. He stated that priority-two projects included construction projects and internal phones, including the voice-over IP. He stated that those items are not being funded through e-rate reimbursement now. He stated that now that he knows it has changed, he wanted the Board of Supervisors to know as well.

Mr. Jenkins asked Mr. Pleva if he had done any analysis on the issue and what it would cost the taxpayers.

Mr. Pleva replied that the basic project cost had not changed. He stated that the cost was approximately \$165,000.

Mr. Jenkins stated that the burden on the taxpayer has changed.

Mr. Bellows stated that the reimbursement will not be there, but the project has already been approved by this Board.

Mr. Lee agreed.

Mr. Jenkins stated that the cost to the taxpayer has substantially changed.

Mr. Jenkins asked Mr. Mann if there was a critical time frame on the issue.

Mr. Mann replied that he had been holding the vendor off in case the Board re-prioritized this project.

Mr. Jenkins stated that he did not want to stop the project because he thought it was worthy, but at the same time, it is a major change to the Capital Improvement Budget and he would like to refer back to the Planning Commission for its consideration. He stated that he understood it was important, but the right way to handle it would be for the Planning Commission to review it again because the original presentation to the Commission has changed.

Mr. Beauchamp added that the change has happened through no fault of Mr. Mann.

Mr. Jenkins agreed. He stated that he would feel more comfortable, since they are talking about expending more taxpayer funds, if it went back to the Planning Commission for its consideration.

Mr. Bellows stated that he did not think they were necessarily expending more funds because the total amount had already been approved by the Board. He stated that he did not believe the e-rate was ever guaranteed.

Mr. Mann stated that e-rate is never guaranteed.

Mr. Bellows stated that his concern is that the project has dragged on long enough. He stated that they will see savings once the project is completed because it will cost less to operate the new equipment. He asked Mr. Mann if that was correct.

Mr. Mann replied yes.

Mr. Lee asked how long the project had been delayed.

Mr. Mann replied about four months.

Mr. Bellows stated that he would have thought the project would have started in the summer.

Mr. Mann stated that the planning process started in the summer.

Mr. Pleva asked if the vendor was holding the price for a certain time.

Mr. Jenkins stated that if the vendor wants the contract, he will honor the price. He stated that, in this economy, a vendor should not be rushing the County into a decision, because they probably need the work.

Mr. Jenkins stated that he thought the project was worth it, but he was uncomfortable with it if it does not go back in front of the Planning Commission, because part of the decision in recommending it for approval to the Board was that there was a fairly good representation that there would be a reimbursement, and that has changed. He stated that, as the advisor to the Planning Commission, he does not want the issue to go ahead without its consideration.

Mr. Jenkins stated that if they have a vendor that is putting the pressure on, then they may need to look for other vendors. He stated that there must be more than one vendor that can do the project.

Mr. Kevin Bean, the Lancaster County Schools Director of Technology, stated that Mr. Jenkins was correct, in that it is a buyer's market right now. He stated that the schools will realize an instant money savings every month once the project is completed.

Mr. Jenkins stated that they needed not to be ignorant buyers. He stated that he thought they were only talking about a month's delay in the decision on the issue.

Mr. Beauchamp asked Mr. Gill what he thought about the time line.

Mr. Gill replied that the Planning Commission does not meet in December.

Mr. Jenkins stated that they can be asked to meet in December.

Mr. Jenkins stated that they can be required to meet. He stated that it would be a quick meeting with just one issue to discuss. He stated that it can be held whenever and wherever it is the most convenient for everyone.

Mr. Lee agreed.

Mr. Beauchamp asked if Mr. Mann could attend the meeting.

Mr. Mann replied yes.

Mr. Jenkins asked Mr. Gill to contact the Planning Commission Chairman.

Mr. Gill agreed.

There was a consensus to table the Voice Over IP Project until after the Planning Commission meets in December.

3. Emergency Medical Services Fees – Exemptions

Mr. Pleva stated that during its regular monthly meeting on August 29, 2013, the Board of Supervisors unanimously voted to adopt the following EMS fee schedule: Basic Life Support (BLS) fee of \$450, Advanced Life Support 1 (ALS1) fee of \$550 and Advanced Life Support 2 (ALS2) fee of \$650. He stated that, according to Medicare and Medicaid regulations, these fees can be exempted or waived in whole or in part if such exemptions are income-based. He stated that there was a draft resolution in the Board packages that included a scale of exemptions by percentage of the EMS bill that is based upon income. He stated that the resolution was modeled after one that was adopted by the Westmoreland County Board of Supervisors on October 16, 2013.

Mr. Pleva stated that while Lancaster County Code Section 49-3 authorizes the Board of Supervisors to impose and to revise EMS fees by resolution, there is no codified authority for the exemption of such fees by resolution. He stated that accordingly, Section 49-3 should be amended to stipulate that the Board may waive

such fees by resolution. He stated that once the code had been amended, the Board could adopt a resolution regarding the waiver of EMS fees. He suggested holding the public hearing on the matter at the Board's December 16, 2013 meeting.

Mr. Beauchamp made a motion to forward the Emergency Medical Services Fees Exemptions issue to public hearing in December and added that they had been working with the four counties in the Northern Neck and the proposed resolution is what has come out of it. He stated that he would urge the adoption.

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

4. Deferred Compensation Program – Optional Plan Enhancements

Mr. Pleva stated that Lancaster County has participated in an IRS Section 457 Deferred Compensation Program for many years. He stated that the program is administered by Nationwide Financial/Nationwide Retirement Solutions. He stated that employee participation in the program is optional and that Lancaster County does not provide any matching funds.

Mr. Pleva stated that since the program's initial inception, several optional program services and enhancements have been developed by Nationwide Retirement Solutions. He stated that Ms. Lynn Curnutte, a retirement specialist with Nationwide, has advised that none of the enhancements requires a financial outlay by the county or otherwise creates a financial obligation on behalf of the county. He stated that the enhancements do offer some additional services and benefits to participants in the deferred compensation program. He stated that the governing body must approve the county's inclusion of these optional services and enhancements.

Mr. Pleva stated that the five enhancements include, 1) ProAccount, 2) Transistion Support Services, 3) Roth 457, 4) Loans, and 5) Investment Fiduciary Services.

Mr. Lee made a motion to approve the Deferred Compensation Program Optional Plan Enhancements.

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

5. Small Purchase Policy Revision

Mr. Pleva stated that Lancaster County had adopted a Small Purchase Policy in accordance with Virginia Code Section 2.2-4303. He stated that the policy, which was enacted on April 3, 1997, addresses the procurement of contracts whose total contract value is not expected to exceed \$30,000, which was the state statutory limit for such policies at that time.

Mr. Pleva stated that over the next 16 years, Section 2.2-4303G has been amended to permit purchases not expected to exceed \$100,000 for goods and services other than professional services and not expected to exceed \$60,000 for professional services. He stated that professional services include, but are not limited to, legal, engineering, architecture and accounting. He stated that a draft revised policy reflecting the current statutory contract cost limits was included in the Board's package.

Mr. Jenkins asked how hard it would be to put a cap on the expenditures in any one budget year. He stated that he thought it would be more prudent to have a reasonable cap for any fiscal year.

Mr. Pleva stated that the statute says that the figures mentioned are for all phases of the work.

Mr. Jenkins asked if that was for one vendor.

Mr. Pleva replied that it was for one project.

Mr. Jenkins stated that he was not happy with that and that there should be a limit and when that limit has been reached, the public needs to be brought back into it. He stated that the reality is that they can come up with a limit, whether it be \$200,000 or \$250,000.

Mr. Pleva stated that he was following the limits in the statutes.

Mr. Jenkins stated that he did not care about the statutes and the County runs a cleaner shop than most places do. He stated that he is looking for a guarantee to the

taxpayer that they trust the Board as their representatives to limit how much the County can pay one entity.

Mr. Pleva stated that he thought they were talking about the same thing and not using the same terminology. He stated that, under the statute, the figures of \$100,000 and \$60,000 are the limits.

Mr. Jenkins asked if that was to all vendors or a single vendor.

Mr. Pleva replied that it was for a single project.

Mr. Jenkins stated that is where he has the problem.

Mr. Pleva stated that they could have multiple vendors, but they cannot exceed \$100,000.

Mr. Jenkins stated that they could have a million dollars spent at a single time. He stated that he wanted to limit it. He stated that it was not an adequate protection, in his opinion, to the taxpayer because it only limits the County to how much they can give to one entity or to one project.

Mr. Pleva stated that it said “all phases”, which he stated implies to him that the total project cost cannot exceed \$100,000.

Mr. Jenkins stated that it was by project and that was what he had a problem with.

Mr. Beauchamp referred to the top of the document and stated that it read “effective until July 1, 2014” and asked if the statute would be changing after that date.

Mr. Pleva replied that he was not aware of any changes.

Mr. Jenkins stated that his recommendation was to table the issue until the Board had more information. He stated that his concern was that he believed the people deserve the right to have some purview over the Board. He stated that given the information before him, they need to make sure that the proposed policy does not give the Board the ability to pay large sums without the public knowing about it.

Mr. Beauchamp agreed and stated that he would also like to know about the July 1, 2014 statement.

Mr. Lee stated that he thought what Mr. Jenkins was saying was that the County potentially could have ten projects going on at \$90,000 a piece in one year under the proposed policy revision.

Mr. Jenkins agreed. He stated that, as it is done now, there is a general protection for the public and that was what he was looking for in the policy revision.

Mr. Jenkins made a motion to table the issue until next month's meeting.

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

BOARD REPORTS

None.

COUNTY ADMINISTRATOR

No report.

CLOSED SESSION

Motion was made by Mr. Lee to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Real Property, § 2.2-3711.A.3, Personnel Matters, § 2.2-3711.A.1, Legal Consultation, § 2.2-3711.A.7 and Negotiations of a Siting Agreement, § 2.2-3711.A.13 of the Code of Virginia, 1950, *as amended*. The purposes of the closed meeting are to discuss the acquisition of real property, personnel matters, legal consultation and negotiations of a siting agreement. The subject and purpose falls within the following exemption(s) under § 2.2-3711.A.3 (acquisition of real property for public purpose OR the disposition of government owned property where public discussion would jeopardize the County's or Town's bargaining or negotiating position), § 2.2-3711.A.1 (candidates for employment OR the assignment, appointment, promotion, performance, demotion, discipline, salaries, compensation, resignation of employees), § 2.2-3711.A.7 (consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel) and § 2.2-3711.A.13 (discussions of a strategy of negotiations, or

to consider the terms, conditions, and provisions of a siting agreement where public discussion would have an adverse affect on the County or the Town.)

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

RECONVENE

Motion was made by Mr. Beauchamp to reconvene the open meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on November 21, 2013 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Personnel Matters, § 2.2-3711.A.1, Real Property, § 2.2-3711.A.3, Legal Consultation, § 2.2-3711.A.7 and Negotiations of a Siting Agreement, § 2.2-3711.A.13 of the Virginia Freedom of Information Act.

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Bellows to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further comment, Mr. Jenkins called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

No action was taken on the closed meeting matters.

ADJOURNMENT

Motion was made by Mr. Bellows to adjourn.

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