

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, January 24, 2008.

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

Staff Present: William H. Pennell, Jr., County Administrator
Jack D. Larson, Assistant County Administrator

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

PUBLIC INPUT

Homestead Exemption

Dorothy Hughes Coates had concerns about the assessment and real estate taxes; maybe the county would consider putting in a homestead exemption for people that have lived here all their lives. They have waterfront property and the assessment has increased from \$120,000 it is now \$300,000 she has to pay taxes on, but could never sell the property for the assessed value.

Mr. Geilich explained if there is a factual or technical error, it can be handled by the assessor. The second step is a process by which property owners can appeal to the Board of Equalization.

Mr. Pennell said the homestead exemption passed the General Assembly last year, if a local jurisdiction wishes to do this it will allow them to forgive up to 20% of the property's value across the board. There is no ability for the Board of Supervisors to enact a homestead exemption at this time. The General Assembly has to adopt it a second time and then it has to go to referendum to change the constitution.

Mr. Jenkins said unfortunately under the laws of the Commonwealth, local governing bodies do not have the ability to make the requested change. This board and many other boards in the Commonwealth petitioned their Delegates to provide a homestead exemption. The homestead exemption has been discussed by this Board since 1996. Unfortunately when the General Assembly crafted legislation and passed it through both houses on the first reading, he stated he believes the crafting was too restrictive and only allows for 20%. The laws of the Commonwealth tie the hands of local government. The homestead exemption maybe available in two years at best when people of Virginia will get a chance to vote on whether or not they want a homestead exemption.

Mr. Pennell stated the only current exemptions are for the elderly and handicapped.

Waste Management Concerns

Fredrick Dawson, a Corrottoman by the Bay resident, stated he would like to see some consideration given at the Refuse Sites so they can collect motor oil, so that oils are not just dumped in the woods. He would like to see dedicated sites in the county.

Mr. Pennell said there are dedicated sites in the county such as Bay Auto. The county has a new Waste Management Supervisor who is working on providing this service to citizens at the Refuse Sites.

Crossing Guard needed at Lancaster Primary and High School

Tim Clark said with the growing population in Lancaster County and the amount of traffic here, he wanted to know if it was possible to get a crossing guard at the primary and high schools.

Mr. Jenkins stated the schools have a Resource Officer and it would be best to start discussing that with the sheriff.

Northern Neck Chesapeake Bay Public Access Authority

Robert Westbrook stated he would like to serve on the Northern Neck Chesapeake Bay Public Access Authority and asked for the Board of Supervisors consideration in this matter.

Mr. Geilich stated the county administrator is handling this matter.

Real Estate Assessments

Mr. Acors asked the board to clarify the connection between the assessment and the state withholding of \$1.2 million from schools and the tie-in.

Mr. Jenkins said the Commonwealth and General Assembly determine what localities should pay as a share for their school system which limits the amount the Commonwealth would have to pay localities for their obligations to the school systems. The system they used is called composite index, a major portion of that is the value of your property. The assessments, as long as they are in a market where properties become more valuable to people who have money has nothing to do with our local economy. We will always be in a situation where we will have properties, especially prime properties, whose value will be exaggerated in market prices which are being driven by economic forces outside of this county. The Department of Taxation has the authority under its regulatory authority to periodically test what properties are selling for in any given locality versus what they are assessed for.

Mr. Thomas stated if the county is below 70% of the assessment to sales ratio, the county is heavily penalized but they penalize anything less than a 100% ratio. They use that and the per capita income as the main drive to create a composite index.

Mr. Acors asked if Blue Ridge realizes that Lancaster County has been in the biggest real estate bubble for the last 25 years.

Mr. Pennell stated the selling prices do not seem to be changing quickly, however; property seems to be on the market longer.

PRESENTATIONS

1. Introduction of Julie Tritz the New 4-H Agent – Annette Jewel, Virginia Cooperative Extension Director said was proud to present Julie Tritz the new 4-H Agent for Lancaster and Northumberland.

Julie Tritz stated she joined the Virginia Cooperative Extension on November 26, 2007 and stated the Rappahannock Record has prepared a feature article with her background information. She said she is originally from Iowa; her degrees are from Iowa State University and currently finishing her Ph.D. She stated she look forward to working with the county and board.

The Board of Supervisors welcomed her to the county.

VIRGINIA DEPARTMENT OF TRANSPORTATION

2007 VDOT Board of Supervisors Manual

Mr. Trapani provided the board with a new 2007 VDOT Board of Supervisors manual to each member.

Norris Bridge Citizen Informational Meeting

Mr. Trapani stated there will be a citizens' information meeting held Wednesday, January 30, 2008 from 4:00 p.m. – 7:00 p.m. at the Lancaster Community Library about the Norris Bridge pavement overlay and closure during nighttime hours.

Southern Lancaster County Sub-Area Planning Study

Mr. Trapani provided the board with a copy of the Southern Lancaster County Sub-Area Planning Study Draft Scope of Work. The purpose of this study is to examine

existing and future condition on the primary routes, to identify existing and future transportation deficiencies and recommend improvement strategies. There will be a kick-off meeting held on February 27, 2008 at the Warsaw Office.

VSH 646/Bald Eagle and VSH 647/Ocran Road

Mr. Trapani said as a request of the Board of Supervisors they looked at the one section of the road regarding the location of a public access site off Bald Eagle Road. He presented Mr. Pennell with a short written report of his findings.

Carter Creek Bridge Maintenance

Mr. Trapani stated they would be performing maintenance work on the Carter Creek Bridge in April which will be closed down to one lane with a signal.

Six-Year Plan

Mr. Trapani stated they would like to have a work session at the March 27, 2008 Board of Supervisors regular meeting and schedule the public hearing for the April 24, 2008 Board of Supervisors meeting on the Secondary Highways Six-Year Plan.

By consensus of the Board of Supervisors, they agreed to the dates selected.

Traffic Signal at VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Mr. Trapani said the traffic signal at the intersection of VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road has been delayed because of weather, however; the work has begun.

VSH 675/Blackstump Road

Mr. Trapani said on VSH 675/Blackstump Road the pavement is too narrow for a centerline but could put sideline.

Mr. Beauchamp stated the concern was the speed limit increase to 55 mph where the road narrows without a centerline.

Mr. Trapani said he would go back and research this matter.

Wal-Mart Intersection Traffic Light

Dr. Russell stated Lewis Conway, Conway Insurance, was present at the December Board of Supervisors meeting and he said there are still concerns with the intersection at Wal-Mart. He asked if the intersection was still being monitored.

Mr. Trapani said the traffic engineers were out in early January and has talked to citizens and bus drivers and they did not have any further concerns.

PUBLIC HEARINGS

1. Ordinance to Establish Term of the 2008 Board of Equalization – Mr. Pennell submitted a draft ordinance establishes as the term of the 2008 Lancaster County Board of Equalization to consider and decide matters of relief of the 2008 General Reassessment as required by §58.1-3378 of the Code of Virginia.

Mr. Sonny Thomas, Commissioner of the Revenue, made a presentation as information for citizens about the reassessment process. He stated the reassessment is necessary under §58.1-3252 in the Code of Virginia and requires counties with less than 50,000 population to conduct a reassessment on a cycle of no less than six years. The Board of Supervisors hires an outside contractor using the bid process and Blue Ridge Mass Appraisal Company, LLC was hired last year for this year's reassessment. The initial process for Blue Ridge Mass Appraisal includes a comprehensive sales study, interviews with builders and realtors, visits to suppliers, and creating value models. Systemic field work has been ongoing for seven to eight months with site visits to all parcels to confirm

measurements, observe property features, and add new construction. The property information is gathered and applied to the models, the opinion of value is applied and compared to sales, and final adjustments to the assessments are made. Notices of the appraisers proposed values are expected to go to land owners early in February. The most important element of any assessment is equalization of values for like properties. Notices will include information for taxpayers so that they can make an appointment to appeal assessments that they consider incorrect. As the Commissioner of the Revenue his office is the custodian of records, he makes records available to Blue Ridge, land owners and public, all land records are public, and he assists landowners in preparing their appeal. This presentation is to inform the supervisors, letting citizens know what to expect - surely the assessments will increase. He said he believes that the increase will be at least 50% of the current value. The total county real estate and improvements are currently assessed at two billion dollars and he thinks it will go to nearly three billion dollars. Because some taxpayers do not follow the market closely, they will need to be reassured that taxes will not go up according to the assessment increase.

Mr. Thomas said the board has appointed a good Board of Equalization and they will be prepared to hold hearings after the appraisers have completed their work. As a last resort, property owners have the right to appeal to the Lancaster County Circuit Court. He provided the Board of Supervisors and citizens with sales information records July to September 2007. He said the State Department of Taxation's ratio study shows an assessment to sales ratio of less than 60% and this reflects poorly in the composite index. He said all properties are showing a significant increase.

Tim Clark asked if Wal-Mart has helped the economic for the county.

Mr. Pennell said they paid real estate taxes and they also collect sales taxes, however; sales tax is one of three elements of the composite index. He said

highly valued property, income, and sales tax are the elements of the composite index. The county's is over 78% on the composite index which means that every dollar of state money the county pays more than 78 cents and the state pays 22 less than 22 cents. He said we are higher than Fairfax County on the composite index.

Mr. Thomas stated he believes that in 2008 Wal-Mart will pay about one million dollars with the personal property, real estate, business, sales taxes, etc.

Mr. Geilich again invited citizens to attend the budget work sessions which should begin in March and also encourage citizens to attend the School Board budget work sessions as they are appropriated approximately 65% of the total county budget.

Dana Gilmore said state law does not require reassessment every year and because there is a long span it appears to be a big rate increase.

Mr. Jenkins said he appreciates Mr. Gilmore's support but one of the reasons the county does not have a reassessment every year is because of the cost of the reassessment. The Northern Neck Planning District Commission was asked to look at this as an in-house but this idea was not received well by other counties.

Mr. Thomas stated Essex County just completed their reassessment after five years and the initial increase was at 82%, however; after the hearings the increase was at about 68%.

David Parker stated his parents do not live in Lancaster County, however; they pay taxes in this county. He asked how his parents can attend the hearing if they are out of town.

Mr. Thomas said they would need to call his office and he maybe able to make some correction if there are factual errors as allowed by the Code of Virginia.

Mr. Costello said everyone is hearing a 50% increase, but it could be a lot more on the waterfront as 70% would not be unusual. When making an appeal look at assessment around you which is available as a public record.

Mr. Thomas stated that is great idea to look at like properties.

Automobile Graveyards

Mr. Thomas stated Lancaster County has three automobile graveyards and the license fee is \$2.00. He asked the Board of Supervisors to revisit the county ordinance passed several years ago to collect license fee in the amount of \$2.00 which is not enough to pay the administrative cost. He would like to see an ordinance implemented with more realistic fees.

Relief for the Elderly and Disabled

Mr. Thomas asked the Board of Supervisors to look at increasing the limits of income and assets for relief for the elderly and disabled. Property values have grown so much faster than the income of many of our elderly.

Livestock and Farm Machinery Taxes

Mr. Thomas said keeping with the County Comprehensive Plan and considering the increase in land values asked the board to consider removing the tax on livestock and farm machinery. The tax generated from livestock is \$1,171 and farm machinery is \$11,047 and by code these taxes can be eliminated.

Boats Over Five Tons

Mr. Thomas informed the Board of Supervisors that neighboring counties are somewhat lower on boats over five tons than Lancaster County taxes, Northumberland is about 50% and Middlesex is about 66% less.

Chairman Geilich opened the public hearing.

Tom Holsworth asked if the tax rate would increase this year.

Mr. Jenkins explained a public hearing would be held to determine the taxes rates two weeks prior to the adoption of the final budget.

Mr. Geilich stated the public hearings are always advertised in the Rappahannock Record and placed on the Lancaster County Website. He again encouraged citizens to attend the budget work sessions.

Chairman Geilich closed the public hearing.

Mr. Jenkins made a motion to adopt the following ordinance to Establish the Term of the 2008 Board of Equalization.

BOARD OF EQUALIZATION

GENERAL REASSESSMENT 2008

**ACCEPTANCE OF APPLICATIONS AND FINAL DISPOSITION
THEREOF**

The Lancaster County Board of Supervisors hereby ordains April 30, 2008 as the final date upon which applications may be accepted by the Board of Equalization for relief of the general reassessment of 2008.

The Lancaster County Board of Supervisors further ordains May 31, 2008 as the deadline by which all applications must be finally disposed of by the board of equalization. (§58.1-3378 Code of Virginia)

ROLL CALL

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

2. Emergency Ordinance – District 3 (Precinct 2) Polling Place – Mr. Pennell stated Virginia will hold presidential primary elections on February 12, 2008 and the Virginia House of Delegates District 99 will hold a special election on February 19, 2008. Both of these dates interfere with Grace Church’s Lenten schedule and a temporary polling place must be designated for these two elections only.

Mr. Pennell said the Lancaster County Board of Elections has made arrangements with the Kilmarnock Volunteer Fire Department to hold the two affected elections at its main fire station on School Street.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Beauchamp made a motion to Adopt the Emergency Ordinance to Establish District 3 (Precinct 2) Polling Place which establish the polling place for Kilmarnock Precinct (Precinct 302), White Stone District, in Lancaster County from Grace Episcopal Church to Kilmarnock Volunteer Fire Department Building for the Elections to be held on February 12 and 19, 2008.

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for December 27, 2007 and Organizational Meeting

Recommendation: Approve the minutes

B. Board of Zoning Appeals Report of Activity

Recommendation: Accepted Report as submitted

C. Wetlands Board Activity Report for 2007

Recommendation: Accepted Report as submitted

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of January 2008 Salaries and Invoice Listings

Motion was made by Mr. Geilich to approve the Salaries for January 2008 in the amount of \$185,792.34 and Invoice Listings for January 2008 in the amount of \$1,004,731.80.

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

2. Collection of Delinquent Real Estate Taxes – Mr. Pennell stated he recently received correspondence from Mr. John C. Hutt, Jr., asking to certify that his law firm has a continuing agreement/contract with the Lancaster County Board of Supervisors to provide services in the enforcement of delinquent real estate taxes in the county.

Mr. Pennell provided the Board of Supervisors with a copy of the 1985 letter of authorization for Mr. Hutt, through the firm Hutt and Robertson, Ltd., to collect delinquent taxes in Lancaster County.

Mr. Pennell said during his preparation of this docket item, he conferred with Mrs. Bonnie Haynie, the Treasurer, to learn that she would be more comfortable with an updated contract with a company authorized by the Lancaster County Board of Supervisors to perform this enforcement duty.

Mr. Pennell stated while he and Mrs. Haynie are sure that Mr. Hutt is eminently qualified to perform these duties, the passage of 23 years seems to dictate the prudence of updating the contract in accordance with existing state procurement laws by authorizing the county attorney to issue a Request for Proposals to solicit bids from firms/individuals qualified to enforce the receipt of delinquent taxes in Lancaster County.

Mr. Palin made a motion to authorize the county attorney to issue a Request for Proposals to solicit bids from firms/individuals qualified to enforce the receipt of delinquent taxes in Lancaster County.

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

3. Request for Supplemental Appropriation – Electoral Board – Mr. Larson said due to unanticipated and therefore unbudgeted elections, the Electoral Board has identified funding requirements that cannot be met within current appropriations. Additional funding is being requested to address these new requirements.

Mr. Larson said the Secretary of the Lancaster County Electoral Board has identified and explained by memorandum and spreadsheet dated January 10, 2008 provided to the Board of Supervisors a list of unfunded requirements related to three elections that may occur between now and the end of FY08. These elections could not have been anticipated when the budget was prepared. The total requirement identified is \$23,350. Only two of the elections are definite at this point in time with a funding requirement of \$16,450. Based on current and historical expenditure rates for the Board of Elections, including the registrar, \$4,450 can be absorbed within the current budget. If there is a requirement for the third election, it can be addressed as part of the fourth quarter appropriation process.

Gilbert Dorman, vice chairman of the Lancaster County Electoral Board, stated the supplemental appropriation for the Electoral Board is to pay the poll

workers, rent election sites, and equipment rental for the Presidential Primary and the special election for the House of Delegates.

Dr. Russell made a motion to Approve the Request for Supplemental Appropriation for the Electoral Board in the amount of \$12,000.

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

4. Lancaster County Schools Cafeteria Fund – Mr. Larson provided the Board of Supervisors with a copy of a memorandum dated September 27, 2007 from the Superintendent requesting a loan of \$70,000 total to cover shortfalls in the Cafeteria Fund for FY 2007 and FY 2008 through August. He said it was his position then and remains his position that any funds advanced to the Cafeteria Fund out of the General Fund constitute a loan. The earliest that the Cafeteria Fund might achieve a break even status is 2009. The current FY 2008 shortfall is \$66,723 compared to the \$20,410 shortfall through the end of August. As also indicated, the shortfall is projected to be \$64,154 at the end of the fiscal year. That projection is based on optimistic estimates of sales and reimbursements.

Mr. Larson stated the actual shortfall for FY 2007 as confirmed by the audit was \$45,414 instead of the \$49,150 shown in the September 27, 2007 memo. Ms. Sciabbarrasi has stated that it was her understanding that she would not be held responsible for this amount since it occurred prior to her watch. However, the “loan” amount of \$70,000 requested in the September memo did include the FY 2007 shortfall.

Mr. Larson said Ms. Sciabbarrasi is taking positive steps to achieve break even status in the Cafeteria Fund. However, it is currently “in the red” \$112,237 for FY 2007/2008 and is projected to be “in the red” for \$109,568 at the end of this fiscal year. There needs to be a clear understanding as to whether this amount is a loan or a subsidy. If it is a loan, then there should be a plan for repayment. If it is to be a subsidy, then there needs to be a clear understanding as to the source of funding to meet this shortfall.

Mr. Larson stated he was seeking guidance from the Board of Supervisors to resolve this issue.

Ms. Sciabbarrasi said the Board of Supervisors should have received a copy of the school board projected deficit with Aramark, which is the company the school board contracted with two years ago. In the contractual obligation with the company, the school is held only accountable for \$10,400 deficit from Aramark and other contractual obligations not met - for example if the number of lunches, snacks, etc. are not met. The schools did not get some federal grants and some Pre K snacks were not provided this year, therefore Aramark is saying the meals they projected on the contract were not met and there would be an additional \$7,000 bringing the deficit to \$17,000, however; the total Aramark deficit is \$27,000 which has to be paid back on the contract. The \$27,000 to be paid back to Aramark plus any time or equipment cost, which is estimated at \$13,000, bringing the total to \$40,000. Employees are covered in the contract and another example of additional cost would be if schools were closed for a snow day the cost for that would be \$3,000 - \$4,000. The worst case scenario is \$64,154.

Ms. Sciabbarrasi stated she could have Aramark attend the next Board of Supervisors meeting to give a presentation on the details of the school lunch program.

Mr. Jenkins stated he did not think it prudent for the school board to enter into a future contract with Aramark because of the reports and clear pattern of the same problems in other school systems.

Ms. Sciabbarrasi stated they are on an annual contract and could revisit this during the budget process.

Mr. Geilich asked what the school board was requesting at this point.

Ms. Sciabbarrasi said the school board is not asking for anything at this time that this was only to inform the Board of Supervisors of where the school cafeteria fund was to date in case the schools' do need assistance.

Mr. Jenkins suggested the school cafeterias are not operating effectively. He asked if the board can authorize the transfer of funds from other categories should they be needed to cover a deficit. The school board could then transfer funds from operations accounts to cafeteria accounts so as not to incur interest.

Ms. Sciabbarrasi said because the cafeteria fund is separate she wanted to leave it as such in order to see where that particular account stood at the end of the fiscal year.

Mr. Jenkins made the motion to Authorize the transfer of \$65,000 from the Operations Account to the Cafeteria Fund.

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

5. Resolution to Approve Transfer of the TV Cable Franchise – Mr. Pennell stated First Commonwealth Cablevision, LTD; Lancaster County's current

cable TV provider is making arrangements to sell its company assets to Gans Communications d/b/a MetroCast Communications. In order to accomplish this transfer, a resolution from the Franchise Authority (Lancaster County Board of Supervisors) is required by the franchise agreement.

Mr. Newborg, Vice President and General Manager for First Commonwealth Cablevision stated they have entered into a purchase agreement with Danny Jobe, MetroCast Communication to purchase First Commonwealth Cablevision.

Mr. Jobe stated MetroCast operates systems in Virginia, Maryland, Pennsylvania, Marine, Connecticut, New Hampshire and soon to be Mississippi and South Carolina. He is the General Manager for the Mid-Atlantic Region and responsible for systems in Virginia, Maryland, Pennsylvania and South Carolina. Just acquired systems in King George, Colonial Beach, Tappahannock, Warsaw and Bowling Green and are in the process of building an extensive fiber optic network that will extend from St. Mary's County, MD over the Potomac Bridge into King George, Colonial Beach, Tappahannock, and Warsaw down into the Northern Neck.

Mr. Jenkins asked what the estimate time frame.

Mr. Jobe said they are hoping to have the fiber optic down to the Northern Neck by the end of the year. He said First Commonwealth Cablevision was already in the process of extending fiber optics up near the courthouse district and continuing up into Lively. The process is on the way and certainly will not be stopped and MetroCast will continue move forward. The goal of MetroCast is to provide the Northern Neck with a state-of-the-art telecommunications network.

Mr. Jenkins stated once the fiber optics are run there will no longer be a need for the current reception on the towers. He represents an area that is served by those towers. He wanted to know if the people in his district outside of Lively

that are on cable, what are the guarantees that if this agreement is signed, that citizens in his district on VSH 354 and VSH 622 are finally going to get decent communication out of a franchise that has been here a long time.

Mr. Jobe stated their policy is whatever service they offer on any part of the system will be available on every part of the system. They will use the fiber to eliminate the microwave hops and extend to the areas that need to be extended to. They will be offering broadcast services, high speed service, video on demand, eventually telephone service as they move forward.

Dr. Russell asked about the areas that are not currently being served.

Mr. Jobe stated those areas will certainly be looked at to see if the density makes sense for them to get a return on their investment. Typically they look at areas that are down to 20 homes per linear mile of an extension.

Dr. Russell stated he has concerns because he is currently in an area not being served by Cablevision.

Mr. Jobe said if there are areas that are feasible to build, down to 20 homes per linear mile or less depending on what other services are available. One of the differences between MetroCast and First Commonwealth Cablevision is that First Commonwealth Cablevision was a smaller company whereas MetroCast serves over 300,000 customers. They are more capitalized and have the ability to do things that a smaller company could not do. Because they are a larger company there are some products that they can offer.

Mr. Pennell stated there are two microwaves towers one on Morattico Road and other on Western Branch Road. Is it the intention of MetroCast to run fiber optics to the towers, so the tower go but the people currently be served by Cablevision will continue to receive cable service?

Mr. Jobe said that is correct, that fiber optics will replace the towers.

Mr. Geilich said what you are stating is that the current subscribers to Cablevision will continue to receive those services.

Mr. Jobe said if there is an area currently being served by those towers the fiber optics will replace the towers. If there are areas that it is feasible for a line extension to build to extend services to those not currently being served, that will be done as well. That is the goal and intention of MetroCast.

Mr. Palin made a motion to Adopt the Resolution transferring the franchise agreement from First Commonwealth Cablevision, LTD to Gans Communications d/b/a MetroCast Communications.

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

BOARD REPORTS

None

COUNTY ADMINISTRATOR

Ashley Cove Project Update

Mr. Pennell stated staff proceeds to assemble information that the Board of Supervisors will need to make a decision on any improvement would be made at Ashley

Cove to provide public access to the States water. There is a continuation of surveying that will provide the county with topography of the site and depths of the water. He just received information for Virginia Department of Transportation earlier in this meeting. A soils engineer has been employed to determine the status of the soils at the site and the Northern Neck Planning District Commission is doing an analysis of the site. Mr. Pennell asked the Board of Supervisors permission to allow him to restrict the perspective of this public access, for the time being, to that of being a boat launch site and parking only to remove some neighbors concerns of density. He recommended putting out a Request for Proposals to hire a consultant who has the technical and scientific skills to provide the Board of Supervisors with advice on how to proceed.

Mr. Jenkins asked if Department of Game and Inland Fisheries could assist in this process with grant money and/or designs.

Mr. Pennell stated he would contact Department of Game and Inland Fisheries to see if they could assist with this process.

Mr. Jenkins stated he believes that county staff or DGIF could possible come up with a design and cut down on the cost of putting out a Request for Proposal and consultation fees.

Mr. Palin stated he would like to see a fishing pier and hoped the board was not caving into community pressure.

Mr. Jenkins said he has received information that it is a mud bottom creek with small bait fish. The Board of Supervisors should continue to look for spots for a fishing pier.

By consensus of the board - start with a boat launch and parking only at this site and continue to explore options.

Bryan Hart stated he lives on Ashley Cove and said the water there is shallow and would need to be dredged, the site floods and there would be a sanitation problem. The cove is a small body of water surrounded by land with single family homes. The increased boat traffic in and out of the cove would be in full view of those homes and the added noise would be a major nuisance factor. The wakes would cause soil erosion along the shorelines and possible damage to the marsh. It seems wrong and unfair to the people living on or near the cove who expected the zoning regulations would protect their property values. He believes the neighbors would be asked to pick this hidden or indirect cost for the benefit of other residents in the county. One of the primary attractions of the Ashley Cove site is the cost to lease it at only \$10.00 per year for 25 years. He urged the Board of Supervisors not to place a boat launch at this site; he believes there is a better way. The county should aim for an A-1 site on a broad creek with several hundred feet of shoreline that could be buffered with trees on both sides, a site that would be attractive, a site where the noise would not be a factor, and a site that would be environmentally sound. He also believes that the Board of Supervisors could fund a project such as this by securing tax funded bonds and be paid off over the years. He hopes that the Board of Supervisors will abandon this project at the Ashley Cove and find another site.

Blaine Liner said the action the Board of Supervisors just took retreating back to just a boat ramp tells him how precipitous this whole idea was from the beginning. It is normal for a public body to do a feasibility study before venturing into a contract no matter how inexpensive the lease. There was a letter to the editor in the Rappahannock Record submitted by Sam Marshall who says if you took the commercial and other existing ramps and got creative, the county could possibly open about a half dozen or more boat ramp sites by working with the owners. The cost would be so much less than starting up a facility in the county. There are numbers of highly trained economists that are resident in Lancaster County who could be brought together and see if there isn't some other option such as the one indicated by Sam Marshall in his article to the Rappahannock Record.

Mr. Pennell stated he received a call from the School Board asking to schedule a Joint Board Budget Work Session and the available dates are March 3, 2008, March 5, 2008, or March 6, 2008 at 5:30 p.m. at the school board office.

By consensus of the board, the Joint Board Budget Work Session was schedule for March 3, 2008 at 5:30 p.m. at the school board office.

Northern Neck Oyster Hatchery

Mr. Pennell said the Northern Neck Planning District Commission received a planning grant to look at an oyster hatchery project. Money has been given by the Virginia Department of Housing and Community Development but four public meetings must be held, one in each of the four counties, and the meeting for Lancaster County has been scheduled for Tuesday, January 29, 2008 at the Lancaster Community Library at 4:00 p.m.

Northern Neck Planning District Commission quarterly meeting

Mr. Pennell reminded the Board of Supervisors of the Northern Neck Planning District Commission quarterly meeting will be held January 28, 2008 at 5:30 p.m at Upper Deck Restaurant. Citizens are welcome to attend but must make arrangements to pay for their own dinner if they wish to eat with the PDC members.

CLOSED SESSION

Motion was made by Mr. Jenkins 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 is Real Property, §2.2-3711.A.3 of the Code of Virginia. The purpose of the closed meeting is to provide direction to the county administrator on the possible acquisition of real property where public discussion

would jeopardize the County’s bargaining or negotiating power. The subject and purpose falls within the following exemption(s) under §2.2-3711.A.3 of the Code of Virginia, (acquisition of real property for public purpose or the disposition of government owned property where public discussion would jeopardize the County’s bargaining or negotiating position).

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

RECONVENE

Motion was made by Mr. Palin reconvene open meeting and certification of closed meeting.

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

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on January 24, 2008 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss the possible acquisition of real property in accordance with §2.2-3711.A.3 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 Dr. Russell 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 statement, Mr. Geilich called the question. A roll call vote was taken:

ROLL CALL

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

This certification resolution is adopted.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn.

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