

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, May 28, 2009.

- Members Present: Jack S. Russell, Chair
 Ernest W. Palin, Jr., Vice Chair
 Peter N. Geilich, Board Member
 B. Wally Beauchamp, Board Member
 F.W. Jenkins, Jr., Board Member
- Staff Present: William H. Pennell, Jr., County Administrator
 Jack D. Larson, Assistant County Administrator

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

PUBLIC INPUT

None

PRESENTATIONS

1. Presentation of Awards to Chief Scott Hudson and the EMS Staff – Mr. Pennell stated the Peninsula Medical Services Council honored Lancaster County with two awards. He introduced Chief Scott Hudson to give details.

Chief Hudson said at the Peninsula Emergency Medical Services Council Annual Picnic on May 16, 2009 in Newport News he received the 2009 Michael B. Player Award for Excellence in EMS and Lancaster County EMS received the 2009 Outstanding EMS Agency Award.

Dr. Russell and Mr. Pennell presented Chief Hudson and EMT Pamela Walker, EMS Staff Member with the awards.

Mr. Beauchamp said as the Emergency Services Director, he is extremely proud of the work being done by Chief Hudson and the Emergency Services Responders.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Ferry Hours (Proposed)

Mr. Balderson stated as a result of the public input meeting, the Commonwealth Transportation Board has proposed 9:00 a.m. – 5:30 p.m. Monday - Saturday for the ferry, which is a reduction of about 25% of the current hours. The ferry will be closed on Sundays and holidays.

Mr. Jenkins stated the original hours were from 7:00 a.m. – 7:00 p.m. What is the cost savings?

Mr. Pennell said according to reports from the State, there will be a saving of \$75,000.

Countywide Maintenance

Mr. Balderson said they are currently mowing the primary routes to the new standards which is 18 feet or to the ditch which ever is less.

Mr. Balderson stated asphalt on Route 200 and patching has been completed.

Taylor's Creek Road

Dr. Russell thanked Mr. Balderson for his continued assistance with Helen Carter on Taylor's Creek Road.

Mr. Balderson said they will do they best to get Mrs. Carter's situation alleviated.

Warsaw Residency

Mr. Pennell asked about the report to consolidate some of the VDOT offices. How this would affect the Warsaw Residency.

Mr. Balderson said unfortunately he does not have an answer, however; should the consolidation happen, the Warsaw Residency would possibly gain King George County as a fifth county to the Northern Neck Residency. He said some of the residency duties maybe given to the district office.

Devil's Bottom Road Survey

Mr. Beauchamp asked why the surveying on Devil's Bottom Road was so far back for the bridge.

Mr. Balderson stated they had to survey further back to get the proper alignments and tie in angles.

PUBLIC HEARINGS

1. FY2010 Lancaster County Operating Budget – Mr. Larson presented the FY10 Lancaster County Operating Budget and said the county is required by law has to conduct a public hearing on the county budget.

Mr. Larson provided the Board of Supervisors with a synopsis of the proposed FY 2010 budget as it has been developed over four work sessions by the Board of Supervisors, as it will appear in the Rappahannock Record on May 21, 2009, and as it is displayed on the County web site. The projected fund balance for FY 2009 is made with a high degree of certainty given there is one month of

execution left in FY 2009. All FY 2010 revenue projections are based on current tax rates or, in the case of state and federal funds, the latest information available. The slight increase in projected revenues for general property taxes is based on increases in the tax base from new development as well as better information as to actual amounts under the current tax rate. Projected expenditures for FY 2010 reflect no increase in wages, salaries, or benefits for any employees paid from County funds. Finally, the very large increase in debt service reflects the full impact of debt service for the new Judicial Center that, as previously indicated, is addressed within the current tax rate.

Mr. Larson requested the Board of Supervisors conduct a public hearing and schedule final adoption of the FY 2010 Lancaster County Operating Budget for the June 25, 2009 regular meeting.

Mr. Jenkins asked the current tax rate on real estate.

Mr. Larson said .42¢ per \$100.00 of assessed value.

Mr. Jenkins said we met all our obligations and increased the fund balance by almost \$400,000 and reduced expenses by \$59,000. Is the tax rate excessive?

Mr. Larson said the fund balance did increase but would not say it is entirely as a result of the property taxes collected, because there were gains in other areas. It is fair to say that general property taxes are the most consistent revenue source.

Dr. Russell said with the current economical situation the county still has to maintain a certain level of service.

Mr. Geilich said with the proposed FY2010 the projection is that the fund balance will be reduced by \$132,000 and we are living in very uncertain times.

The county employees are not getting raises and with the proposed budget the county has to look at the whole picture.

Mr. Beauchamp said the area that concerns him is the potential for reduction in personal property revenue for next year. The Commissioners of the Revenue across the state are projecting a 10% - 15% reduction, which is high.

Mr. Jenkins stated the Department of Taxation has the authority and power to require that the county do reassessments. The board can not control the assessment but we can control the rate.

Chairman Russell opened the public hearing.

Charles Costello said he attended the work sessions and Mr. Larson and the Board of Supervisors did a reasonable job on the budget and disagrees with changing the rate. He asked the board to keep the fund balance where it is.

Richard Pleasants said Mr. Larson stated he reviewed neighboring counties based on size. He asked if that was based on per capital income, workforce employment percentages, geographic size, population, etc.

Mr. Larson said population.

Chairman Russell closed the public hearing.

Dr. Russell said no action would be taken at this meeting and would be voted on at the regular Board of Supervisors meeting on June 25, 2009.

2. Application for Special Exception – Gary S. Silverman – Mr. Larson presented an Application for Special Exception by Gary S. Silverman to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #12-

30A. This property is located at 372 Conley Road off VSH 622 (Morattico Road) in District 1.

Mr. Larson 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. Larson stated there are no zoning issues with the location of this antenna/pole. The proposed location is outside the 100' Resource Protection Area (RPA) and it has the potential to serve many homes in the Morattico area.

Mr. Larson said this request has been advertised and adjoining property owners notified as required by law. To date, staff has received no input from the public.

Chairman Russell opened the public hearing.

Hearing no comments, Chairman Russell closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Gary S. Silverman to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #12-30A located at 372 Conley Road off VSH 622 (Morattico Road).

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

3. Application for Special Exception – John D. McConnico – Mr. Larson presented an Application for Special Exception by John D. McConnico to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #20-1Y. This property is located at 117 Catch Penny Lane off VSH 797 (Colinbrook Way) in the Old Orchard area near Lively in District 2.

Mr. Larson stated 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. Larson said there are no zoning issues with the location of this antenna/pole. The proposed location is outside the 100' Resource Protection Area (RPA) and it has the potential to serve many homes in the Old Orchard area near Lively.

Mr. Larson stated this request has been advertised and adjoining property owners notified as required by law. To date, staff has received no input from the public.

Chairman Russell opened the public hearing.

Hearing no comments, Chairman Russell closed the public hearing.

Mr. Palin made a motion to Approve the Application for Special Exception by John D. McConnico to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #20-1Y located at 117 Catch Penny Lane off VSH 797 (Colinbrook Way).

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

4. Application for Special Exception – Robert T. Norman – Mr. Larson presented an Application for Special Exception by Robert T. Norman to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #20G-4-22. This property is located at 75 Ondacreek Lane off Greenvale Road off VSH 354 (River Road) in District 1.

Mr. Larson stated 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. Larson said there are no zoning issues with the location of this antenna/pole. The proposed location is outside the 100’ Resource Protection Area (RPA) and it has the potential to serve many homes in the Greenvale Farm area near Mollusk.

Mr. Larson stated this request has been advertised and adjoining property owners notified as required by law. To date, staff has received no input from the public.

Chairman Russell opened the public hearing.

Hearing no comments, Chairman Russell closed the public hearing.

Mr. Jenkins made a motion to Approve the Application for Special Exception by Robert T. Norman to place an 80 foot data antenna/pole for wireless Internet access on property described as Tax Map #20G-4-22 located at 75 Ondacreek Lane off Greenvale Road off VSH 354 (River Road).

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| 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 April 30, 2009

Recommendation: Approve minutes as submitted

B. Northern Neck-Essex County Group Home Commission (Bridge House)

Recommendation: Appoint Jack D. Larson as Lancaster County Board of Supervisors Representative

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| 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 May 2009 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for May 2009 in the amount of \$209,085.23 and Invoice Listings for May 2009 in the amount of \$778,035.86.

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

2. Wood Waste Management Contract – Mr. Larson said the county advertised a Request for Bids for the wood waste management contract to provide services for Lancaster County.

Mr. Larson gives a side-by-side comparison for each of the bid elements as provided by the three respondents as followed:

| | <u>R.L. Self Timber</u> | <u>J&J Inc.</u> | <u>Hayden Entp</u> |
|--|-------------------------|---------------------|--------------------|
| Wood Waste (per annum) | \$144,000 | \$196,000 | \$250,000 |
| Catastrophic (per ton) | 24 | 20 | 25 |
| Commercial (per ton) | 34 | 30 | 25 |
| Tires | 170 | 200 | 200 |
| Restoration (one time cost) | 0 | 15,000 | 30,000 |
| Dump Site Maintenance (per annum) | 0 | 8,000 | 15,000 |
| Projected 2010 Cost | \$151,480 | \$219,808 | \$303,800 |
| Projected Cost, Subsequent Year | \$151,480 | \$212,808 | \$288,800 |

Mr. Larson said R. L. Self Timber is the current provider and also has the distinction of being the first commercial provider of the service when Lancaster

County moved from in-house performance. The quality of their service over the last six years has been exceptional. They managed the tremendous amounts of debris from Hurricane Isabel in an effective and efficient manner and assumed this task within the first two months of contract performance.

Mr. Larson said of the bid elements identified, only wood waste and used tire management are presently provided. The other bid elements were added as a means of addressing existing one-time restoration needs and ongoing maintenance of restored area at the Lancaster and Nuttsville collection points. R.L. Self proposes to provide these services at no additional cost. The rate displayed for commercial deposits of wood waste would be borne by the commercial carriers and would not be charged to Lancaster County.

Mr. Jenkins made a motion to accept the Bid and award the Wood Waste Management Contract to R.L. Self Timber Company of Lively, Virginia.

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

3. Auditing Services – Mr. Larson stated consideration of future provider of auditing services was between Robinson, Farmer, Cox Associates, the current provider, or Clifton Gunderson, LLP.

Mr. Larson said on May 21, 2009 the two firms responding to a request for proposals to provide Lancaster County the subject services were interviewed by the Treasurer, the Lancaster County Public Schools Director of Budget and Finance, and Mr. Larson. Based on those interviews, a recommendation for selection was made to the County Administrator. The County Administrator

accepted the recommendation of Robinson Farmer Cox Association and has requested that the Board consider the recommendation provided and, if acceptable, authorize price negotiations.

Mr. Larson said time is of the essence in this matter since the successful respondent will very likely want to begin pre-audit and/or actual audit work for the FY 2009 audit during July 2009.

Mr. Geilich made a motion to accept the recommendation and award the county auditing services contract to Robinson, Farmer, Cox Associates. This award is contingent on acceptable cost negotiations with the county administrator who has the authority to execute the contract.

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

4. New Judicial Center – Mr. Pennell said on Tuesday, May 19, 2009, Messrs. Beauchamp, Geilich, Larson, Gill, Daum and he reviewed the 90% drawings for the construction of a new Lancaster County Judicial Center. This review was conducted with Mr. Randy Vaughan of Wiley and Wilson, Architects and Engineers. Several small recommendations were made and Mr. Vaughan will include them in the final drawings for construction bid purposes.

Mr. Pennell stated the current plan for continuing the process of this construction is to have bids returned to the county by mid-July with a contract recommendation to the Board of Supervisors at the July 30, 2009 regular monthly meeting.

Mr. Pennell said once this contract has been let, it is probable that a ground-breaking ceremony will be scheduled mid-August to mid-September.

Mr. Pennell stated copies of the 90% drawings are available to board members for review, if desired.

Mr. Beauchamp made a motion authorizing the County Administrator to proceed with an advertisement of a Request for Competitive Bids for the construction of the new judicial center and to develop a position description and recruitment of a Clerk of the Works to oversee the construction and management of the new building.

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

5. Construction Contract – FEMA Hazard Mitigation Grant – Mr. Pennell said following Tropical Depression Ernesto, FEMA announced the availability of grant funding to elevate damaged homes out of the flood plain. Lancaster County submitted a proposal and was awarded funding to elevate seven houses. A requirement of the program is that a general contractor be retained. After advertising and accepting bids for these houses THE EDISON GROUP, INC. is recommended to elevate the next house which is located at 219 Riverside Drive in Morattico. They were the lowest responsible bidder.

Mr. Pennell stated Lancaster County advertised in the Richmond Times Dispatch and the Rappahannock Record. The advertisement was also posted on the County's web page. Three bids were received.

The bids for 219 Riverside Drive were:

| <u>Name</u> | <u>Amount</u> |
|----------------------------|---------------|
| THE EDISON GROUP, INC. | \$ 69,700.00 |
| Daniel's Construction | 93,604.00 |
| Chesapeake Custom Builders | 114,000.004 |

Mr. Jenkins made a motion to accept the bid from THE EDISON GROUP, INC. and, after review by the County Attorney, authorize the County Administrator to execute the contract.

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

6. Greentown/Gaskins Road – Community Development Block Grant – Mr. Pennell said for some time, the Board of Supervisors and county staff have been trying to advance the Greentown/Gaskins Road Community Development Block Grant project but, for various reasons, there has been a general blockage of the county's ability to proceed to completion. This blockage is caused by the county's inability to provide the necessary wastewater treatment that is required for the project.

Mr. Pennell said as the county continues to negotiate wastewater treatment services with New Tides, LLC and complete the necessary requirements to consider a Community Development Authority for the organization, it is becoming more apparent that the provision these of wastewater treatment services

is too far in the future to enable the county to maintain the current CDBG funding approvals.

Mr. Pennell stated county staff has continued to explore possible solutions to the wastewater treatment needs of the CDBG grant approval and has learned that there exists new technology which will enable a small wastewater treatment facility, with below ground effluent disposal that could resolve this issue once and for all. The above described parcel has been in an estate for many years (neighbors in the area believe that the deed holder, Joseph A. Green, has been dead for many decades) and it appears that the taxes on the parcel have been paid by various business entities most of this time for reasons known only to them.

Mr. Pennell said in preparation for the Board of Supervisors' consideration of this issue, county staff has arranged for a survey of the subject property and an appraisal of its fair-market value. Neither of these reports is currently available but will be available for the Board of Supervisors' information prior to the requested public hearing.

Mr. Pennell said if, after public hearing, the Board of Supervisors wishes to proceed with this condemnation, the appraised value of the parcel is then transferred to the Circuit Court and the parcel quickly becomes county property. The court then decides who is eligible for all or a portion of this money based on their relationship to Mr. Green. If there are no heirs, the money is ultimately sent to the Commonwealth of Virginia. Mr. Cornwell, County Attorney, will be able to provide complete information on this matter at the June 25th public hearing.

Mr. Pennell stated in the meantime, county staff has prepared a Request for Proposals that, with the Board of Supervisors' direction, will be issued to receive bids on the design, construction and maintenance of the previously described engineered wastewater treatment plant. This plant utilizes technology that is extant in several Virginia communities and is designed for situations

similar to the ones faced in Greentown/Gaskins Road. County staff has had discussions with individuals aware of the CDBG grant and the suggested monthly fees for the wastewater treatment will not require any county contribution in excess to those obligated in the original CDBG grant application.

Dr. Russell made a motion Authorizing the County Administrator and County Attorney to: 1) Prepare the necessary documentation and advertise a public hearing for the June 25, 2009 regular monthly meeting of the Lancaster County Board of Supervisors to condemn a parcel (Tax Map 27, Parcel 202 – now known at 261 Greentown Road) to provide a place for a small wastewater treatment facility to serve the 43 homes in the CDBG project area. 2) Issue a Request for Proposals for the design, construction and continued maintenance (including customer billing) of an engineered wastewater treatment facility on the above parcel to serve the citizens in the CDBG project area.

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| 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

Mr. Jenkins stated he was approached by the Board of Directors of the community association for Corrotoman by the Bay requesting a public hearing which would permit golf carts and utility vehicles to be used in their subdivision.

By consensus of the Board of Supervisors conduct a public hearing of June 25, 2009.

The Summer Youth Employment Network

Dr. Russell said he and Mr. Pennell have been working with the Jessie Ball duPont Foundation and applied for a summer work program for youth. The program is entitled “The Summer Youth Employment Network”. They are working with Rappahannock Community College and Lancaster Community Public Library for the program. They have received funding from the Jessie Ball duPont Foundation and the Industrial Development Authority to hire 40 youth. This program is for both Lancaster and Northumberland youth and along with the stimulus money they can hire approximately 63 youths paying minimum wage for 10 weeks.

Appointments

Mr. Palin made a motion to reappoint Maurice Simmons to the Wetlands Board to represent Lancaster County District 2 for a five year term which expires June 30, 2014.

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

COUNTY ADMINISTRATOR

Mr. Pennell stated he would be attending a meeting at the Merrimac Center in Williamsburg on May 29, 2009 and would be out of the office.

ADJOURNMENT

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

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