

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 28, 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
Don G. Gill, Planning and Land Use Director

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

PUBLIC INPUT

Dana Gilmore said for informational purposes the new score cards for the schools are now up on the website. Because the demand and interest is so great they warn you that it may take a while to download. He was able to download the twenty-one day summary to see how Lancaster performed over the last cycle. They did not meet Adequate Yearly Progress (AYP) but remember that each year because the Virginia Standards of Learning exams are tied to “No Child Left Behind” the bar continues to get higher. By 2014 each school should have a 100%. He stated the 8th Grade Math that only 50% passed compared to 75% last year and 80% of the previous year passed. The passing rates for males were even lower and the fail rates amongst black students were higher at 54% compared to 35% last year and 27% the pervious year. He stated there were areas of improvement, however; these Math numbers stand out more. He stated the scores are available.

PRESENTATIONS

1. In Gratitude to Carrie T. Carter – Dr. Russell asked the board to adopt the Resolution of Appreciation which was read and presented to Mrs. Carter.

Mr. Jenkins made the motion to adopt a Resolution of Appreciation for Carrie T. Carter for her dedication and service to Lancaster County’s environment with her fifteen-year tenure on the Lancaster County Wetlands Board.

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

2. In Gratitude to Caroline V. Veney – Mr. Geilich stated Mrs. Veney was unable to attend, however; asked the board to adopt the Resolution of Appreciation.

Mr. Geilich made the motion to adopt a Resolution of Appreciation for Caroline V. Veney for her dedication and service to Lancaster County as a member of the Lancaster County Industrial Development Authority.

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

3. In Gratitude to Donald M. McCann, III – Mr. Geilich said Mr. McCann was unable to attend, however; asked the board to adopt the Resolution of Appreciation.

Mr. Geilich made the motion to adopt a Resolution of Appreciation for Donald M. McCann, III for his dedication and service to Lancaster County through the Lancaster County Planning Commission.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION

VSH 643/Scott Road

Mr. Harper stated the speed study on VSH 643/Scott Road was received and was recommended that the speed remains at 55 mph, however; curve warning signage will be erected.

New Ferry Update

Mr. Harper said Mr. Balderson had a meeting with the ferry people and everything is on schedule. They are expecting middle-to-late October for a delivery date and there is a contract currently out to revamp the ferry landing to match the new ferry.

VSH 3/Bridge Work

Mr. Harper stated he will stress the importance of the VSH 3 Bridge between Lancaster Courthouse and Lively in order to get the contractor to this area as soon as possible.

Mr. Jenkins stated his concern is that we are entering harvesting season and farmers will need to take heavy trucks and trailers. In years past, they received damage to the trailers over the excessive bump at the bridge.

Mr. Harper described the work to be done at the bridge.

VSH 962/Belmont Creek Road

Mr. Palin stated a citizen from Beane's Road indicated that VDOT has done some Rip Rap work and the drainage ditch needs to be cleaned out.

Mr. Harper stated he received a call from the citizen, they took a look at the area and the drainage ditch will be cleaned.

Hadlea Drive

Mr. Geilich stated a constituent called about Hadlea Drive and asked where that stands.

Mr. Harper stated unfortunately he does not have an answer, but will contact Mr. Trapani and get the answer.

PUBLIC HEARINGS

None

CONSENSUS DOCKET

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

A. Minutes for July 31, 2008

Recommendation: Approve minutes

B. Ordinance to Consider Petitions for the Creation of Community Development Authorities

Recommendation: Authorize the County Administrator to advertise a draft ordinance for public hearing on September 23, 2008

C. Community Services Board – FY09 Performance Contract

Recommendation: Adopt the Resolution Approving the FY09 MP-NNCSB annual budget and performance contract

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 August 2008 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for August 2008 in the amount of \$208,052.77 and Invoice Listings for August 2008 in the amount of \$671,677.46.

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

2. Request to Use School Operating Funds for Food Service Bills – Mr. Larson presented a request by the Lancaster County Superintendent for Schools to utilize school operating funds to cover a temporary cash shortfall in the Cafeteria Fund.

Mr. Larson said this request for FY 2009 is consistent with the consideration given by the Board of Supervisors for FY 2008 and is the only reasonable alternative until a corpus of funds or reserve can be re-established in the Cafeteria Fund to cover costs incurred prior to revenues flowing. As stated by Ms. Sciabbarrasi, the school operating fund would be reimbursed for any “borrowings” made.

Mr. Jenkins asked how much is needed.

Mrs. Salg said the dollars amount is not available and the Armark bills have to be cleared out.

Mr. Larson stated the school board is moving in the right direction and the dollar figure is going down.

Mr. Jenkins made a motion to authorize Jack Larson, Financial Officer to transfer funds from the General Operating Funds to cover the temporary cash shortfall in 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

3. Lancaster Primary School Bus Loop – Mr. Larson presented a request by Superintendent of Schools to use unspent FY 2008 funds to complete the Lancaster Primary School Bus Loop.

Mr. Larson stated Ms. Sciabbarrasi's memorandum of August 21, 2008 was provided to Board members as an informational item only. Rationale for this is that guidance was given at the July 31, 2008 regular meeting that any requirement for funding to complete the subject project above already appropriated capital improvement funds would have to come from the school operating budget. Ms. Sciabbarrasi is correct in her assertion that use of FY 2008 funds that have lapsed or will lapse into the general fund balance must be formally considered separate and apart from last month's guidance which envisioned the use of current year funds.

Mr. Larson said while it does appear that there will be excess funds from the FY 2008 Schools Operating Budget after all accrued receivables and payables have posted, the amount is an estimate at this time and has not been subject to audit. If the Board should approve this request, then the amount approved should not exceed the amount requested or that available, whichever is less.

Mr. Geilich asked if this requires addition funding.

Mr. Larson said the funding was returned to the county and the county is simply re-appropriating the \$33,000.

Mr. Beauchamp made a motion to approve the use of unspent funds from the FY 2008 budget to complete the Lancaster Primary Bus Loop Project and the amount shall not exceed the amount requested or available, whichever is less.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye

B. Wally Beauchamp	Aye
F. W. Jenkins, Jr.	Aye
Ernest W. Palin, Jr.	Aye

4. Virginia Public School Authority (VSPA) 2003D Return of Savings – Mr. Larson said while at a training session, the Treasurer learned of a refund in the amount of \$92,922.18 due Lancaster County. To permit distribution of the funds, a resolution by the Board of Supervisors authorizing the execution of a Use of Proceeds Agreement and a Continuing Disclosure Agreement is required.

Mr. Larson stated there are two conditions associated with the funds to be returned. They must be used for capital projects of Lancaster County Public Schools, and they must be used within six months of receipt of the funds. Remaining expenditures for school projects approved for FY 2009 exceed the amount to be returned, and it is those projects to which it is recommended that the funds be applied rather than funds in the capital improvement account. It is anticipated that invoices will be submitted shortly for the majority of the work on these projects, necessitating expeditious receipt of the refund. The required Use of Proceeds Certificate and Continuing Disclosure Agreement were provided to the Board of Supervisors for their review.

Mr. Jenkins made a motion to adopt a Resolution authorizing the refund and execute the Use of Proceeds Certificate and Continuing Disclosure Agreement.

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

Mr. Jenkins made a motion to authorize the County Administrator to execute the necessary paperwork for the above refund.

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

Mr. Jenkins made a motion to utilize the funding within the next six months for capital project(s) of Lancaster County Public Schools.

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

5. Final Draft – Architectural Contract to Design Judicial Center – Mr. Pennell stated the Board of Supervisors earlier directed the county administrator and county attorney to develop a draft contract with Wiley and Wilson, Architects, to prepare the necessary design for the construction of the new judicial center.

Mr. Pennell said the document being provided is one that has been developed by the county attorney and his colleagues in lieu of utilizing the standard AIA (American Institute of Architects) contract. He has received advice from other county administrators that a locally developed contract is favorable to the AIA standard form and Mr. Cornwell agrees with this advice.

Mr. Pennell stated that recently, Jack Larson, James Cornwell and he met with representatives of Wiley and Wilson, Architects, to review this contract line-

by-line. The Board of Supervisors has been provided with a draft copy of the contract as it was finally negotiated by the county staff, county attorney and architects.

Mr. Geilich said the target date for completion of the New Judicial Center is January 1, 2011.

Mr. Beauchamp made a motion to approve the contract and authorize the county administrator to execute the necessary paperwork to begin the design phase of the New Judicial Center.

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

6. Advertisement of Proposed Public Roadway Abandonment – Mr. Gill presented a proposal to abandon 100.17 feet of public roadway at the end of VSH 721 (Railway Road) in Irvington in District 5.

Mr. Gill stated Kenmaur, LLC, the owner of Tax Map #33-269A, has requested this proposed abandonment and location of a new turnaround as depicted on the attached plat. Railway Road (VSH 721) comes to a dead end at Kenmaur's property with no public turnaround. An unauthorized turnaround currently being used is beyond the end of state maintenance sign and totally on Kenmaur's property, as evidenced by the attached real estate tax map. The other properties affected by this request, Tax Map #33-268 and #33-269, have their driveway accesses to Railway Road (VSH 721) prior to the location of the proposed turn around and would not be adversely affected.

Mr. Gill said an easement for a turnaround exists on the adjacent parcel, Tax Map #33-268. Usage of that easement for a turnaround would be easier and safer, with the proposed road abandonment and new end of state maintenance, as vehicles would not have to negotiate that extra 100.17 feet of road and the curve while backing up to utilize the turn around.

Mr. Beauchamp made a motion to authorize the Director of Planning and Land Use to advertise a public hearing for the September 25, 2008 meeting of the Board of Supervisors to consider the abandonment of that portion of VSH 721 (Railway Road).

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

Dr. Russell stated he would like the New Tides, LLC to be invited to the next regular Board of Supervisors meeting on September 25, 2008 to discuss the petition they submitted in regard to a decision made by the Zoning Administrator of a violation of the proffers received during the rezoning of “The Pointe” project.

By consensus of the board, place the New Tides, LLC appeal on the September 25, 2008 agenda.

COUNTY ADMINISTRATOR

None

ADJOURNMENT

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

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