

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, March 8, 2010, in the auditorium of the A. T. Johnson Museum, located at 18849 Kings Highway, Montross, Virginia. Those members present were W. W. Hynson, Darryl E. Fisher, Lynn C. Brownley, Russ Culver, and Larry Roberson. Also present were Norm Risavi, County Administrator, Karen Lewis, Assistant County Administrator, LaToya Ball-Tate, Administrative Assistant, and Tom Bondurant, County Attorney.

CALL TO ORDER

Chairman Hynson called the meeting to order at 9:34 a.m. The pledge of allegiance was recited and opening remarks were given by Mr. Hynson.

1. APPROVAL OF MINUTES

Mr. Hynson stated that all members had received draft minutes of the regular/land use meeting on February 8, 2010 and the continued meeting on February 23, 2010, and asked if there were any additions or corrections to these minutes.

Upon motion by Mr. Fisher, second by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson, and Mr. Hynson voting "aye", the Board approved the minutes as presented.

2. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Mr. Brownley requested clarification as to what the \$9,757.95 figure under Fund #320 represents on page 1 of the Accounts Payable List. Mr. Risavi explained that this amount represents the total expenditures for the month under the Montross Sewer Fund.

Upon motion by Mr. Roberson, second by Mr. Fisher, and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye", the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of February 2010.

3. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

Dr. Elaine Fogliani, Superintendent of Schools was present to request the Board's approval to add \$123,014.86 to the Food Service Budget for FY 2009-2010. These are reimbursement funds received from the Federal government for May and June of last year, including summer school.

Upon motion by Mr. Roberson, second by Mr. Culver and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Brownley, Mr. Fisher, and Mr. Hynson voting "aye", the Board approved the following appropriation increase request: Fund #207 – Food Service - \$123,014.86. The purpose

of this supplemental appropriation is to add the fund balance from the 2008-2009 school year to the current food service budget.

Mr. Roberson apologized to Dr. Fogliani for his conduct at the Board's February 23, 2010 meeting. Dr. Fogliani accepted Mr. Roberson's apology.

Kathryn Knoeller, Community Policy & Management Team Chairperson, and Belinda Johnson, Comprehensive Services Act Coordinator, were present to request additional funding in the amount of \$281,000.00 for Comprehensive Services (\$85,002.50 – Local/ \$195,997.50 – State). Ms. Knoeller reported that the program is serving more children for less money than last year. Prior year expenditures totaled \$1,131,000. Current year expenditures have been projected at \$1,091,000. The program is currently serving 64 children in Westmoreland County, only one of whom is in residential placement.

Ms. Johnson stated that the Comprehensive Services Act was formed in 1993/94 for the purpose of streamlining the funding pool to serve children with serious needs. Services provided include mental health, education, social services, health, and juvenile probation. Ms. Johnson presented the following breakdown of services currently provided:

Foster Care	8
Private Day Schools	14
Behavioral Aides	10
Day Treatment	1
Community Based Services	5

Ms. Johnson noted that the federal and/or state government has mandated that many of these children be served. The County is responsible for providing matching funds, based on a formula established by the legislature.

Mr. Brownley asked if staff anticipates needing additional appropriations for the current year. Ms. Knoeller stated that the fiscal year ends June 30th. The expectation is that these additional funds will carry the program through the remainder of the fiscal year. Barring any unforeseen circumstances, any additional cases would likely be foster care. If any increase is needed, it would be very small.

Mr. Brownley inquired as to how the County's matching share is determined. Ms. Knoeller informed

the Board that, due to recent legislative changes, this past year the formula was based on usage. It is her understanding that there is currently a proposal before the General Assembly to return to a flat fee.

Mr. Risavi noted that the local share of this appropriation will come from the Contingency Fund.

Upon motion by Mr. Fisher, second by Mr. Brownley and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Roberson, Mr. Culver, and Mr. Hynson voting "aye", the Board approved the following appropriation increase request: Fund #100 – Comprehensive Services - \$281,000.00 – The purpose of this supplemental appropriation is to fund the Comprehensive Services program through the end of the fiscal year (local share - \$85,002.50; state share - \$195,997.50).

Following presentation by Helen Wilkins, Director of Social Services, upon motion by Mr. Culver, second by Mr. Roberson and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye", the Board approved the following appropriation increase requests and budget transfers as noted:

Fund #4 – 105 – Eligibility Pass Thru - \$16,249.50 (This supplemental appropriation represents additional funds given in the State budget for Eligibility Pass Thru. The local share is being transferred from existing local dollars as follows:

Department: 4
Fund Number: 105
Account Number: 53100

Decrease Line Item #	1100-101	by	\$11,000.00
	2100-101	by	\$ 841.50
	2210-101	by	\$ 1,660.00
	2300-101	by	\$ 2,661.00
	2400-101	by	\$ 87.00

Increase Line Item #	1100-204	by	\$11,000.00
	2100-204	by	\$ 841.50
	2210-204	by	\$ 1,660.00
	2300-204	by	\$ 2,661.00
	2400-204	by	\$ 87.00

Net Change: -0-

The purpose of this budget revision is to transfer
Local Administrative funds to Eligibility Pass

Fund 4 -105 – TANF Working/Transitional Day Care - \$7,283.00 (The purpose of this supplemental appropriation is to cover current mandated day care cases. The 5% local share is being transferred from existing local dollars as follows:

Department: 4
Fund Number: 105
Account Numbers: 53210 and 53211

Decrease Line Item # 53210-5704 by \$ 384.00

Increase Line Item # 53211-5725-517 by \$ 384.00

Net Change: -0-

The purpose of this budget revision is to move local dollars from Auxiliary Grants to TANF Working/Transitional Day Care.

Upon motion by Mr. Culver, second by Mr. Roberson and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Brownley, Mr. Fisher, and Mr. Hynson voting "aye", the Board approved the following appropriation increase requests:

Fund #4 – 105 – Special Needs Adoption - \$20,256.00 (The purpose of this supplemental appropriation is to cover current adoption cases, including 2 new cases. 100% state funded)

Fund #4 – 105 – Subsidized Adoption - \$10,764.00 (The purpose of this supplemental appropriation is to cover current adoption cases and non-recurring legal fees for 2 children.)

Ms. Wilkins noted that the agency's monthly report for February 2010 was included in the Board's table packet.

4. TOWN OF COLONIAL BEACH/CORRESPONDENCE

Steve Kennedy, Member of the Colonial Beach Town Council, was present to report on the following:

Colonial Beach Police Department – As of February 16, 2010, the Town's police department is fully

accredited. Councilman Kennedy expressed his appreciation to Chief Hawkins and others who contributed to this effort. He noted that Monroe Brown was also very instrumental in getting this accreditation.

National Jet Ski Competition – This event is still moving forward. It will be held during the second week of August. The Town is expecting a large turnout. Monthly planning meetings are being held in preparation for this event.

Mr. Roberson announced that Town elections will be held in May.

5. TOWN OF MONTROSS/CORRESPONDENCE

There was no correspondence from the Town of Montross

6. VIRGINIA DEPARTMENT OF TRANSPORTATION

Clifton Balderson presented the following updates on behalf of the Virginia Department of Transportation:

Snow Removal – Snowfall for this winter has been close to historic proportions. Mr. Balderson asked that individuals notify VDOT of any potholes in need of repair by calling the Hague office at (804) 472-3179, or by calling the Warsaw office at (804) 333-3696. Area residents may also file such reports online. Mr. Balderson thanked the local fire and rescue organizations and County personnel for their assistance throughout the season.

Six-Year Plan – VDOT will need to hold a work session regarding the Six-Year Plan at the Board's next regular meeting. Representatives from the Fredericksburg District office will be present.

Supervisors reported the following:

District 5 – Mr. Roberson reminded those present that VDOT will hold a public informational meeting regarding the Tide Mill Stream Bridge on Tuesday, March 16, 2010, from 4:00 p.m. to 7:00 p.m. The meeting will be held at the Colonial Beach Town Hall. Mr. Roberson stated his understanding that the two-lane design will be comparable to that of the Cat Point Creek Bridge. It will be similar to the previous proposal, except that the bridge will be shifted further from the river.

District 2 – Mr. Culver commended VDOT for their performance during the recent snow events. Mr. Culver noted that he is still waiting for the signs which he previously spoke to Sean Trapani regarding.

District 1 – Mr. Fisher indicated that he would call the office regarding some potholes that need to be repaired within his district. Mr. Fisher expressed appreciation to VDOT for a job well done, despite their limited resources. He also thanked the local farmers for their generosity in helping to clear driveways, etc. during the snow.

District 3 – Mr. Brownley asked if VDOT has heard anything encouraging from the legislature regarding transportation funding. Mr. Balderson stated that he has not heard anything to speak of, other than the proposition to increase the hours of operation for the ABC stores within the state.

District 4 – Mr. Hynson echoed comments regarding VDOT's snow removal services, as well as the assistance provided by area farmers. He noted that, in comparison to other areas, local forces did a good job keeping the roads clear. Mr. Hynson stated that Haywood Lane is in need of some gravel. This dirt road is nearly impassible during inclement weather.

District 5 – Mr. Roberson inquired about the status of Santa Maria Avenue. Mr. Balderson reported that VDOT is currently working with Colonial Beach officials in an effort to move this project forward. VDOT is also planning to pave Albrough Boulevard in Placid Bay Estates Subdivision. Mr. Roberson thanked VDOT's maintenance crews for fixing the potholes in and around the Town of Colonial Beach. Mr. Balderson noted that VDOT has already fixed 581 potholes in Westmoreland County.

The following individuals spoke at this time:

Myrtle Lee France – Ms. France reported that there are several potholes to be fixed along Deep Point Road (Route 649) and Jenkins Point Road (Route 708).

Bill Alverson – Mr. Alverson stated that the ditch is clogged on Chilton's Road. It also appears that the metal curbing was smashed during the snow removal process.

John Felt – Mr. Felt inquired regarding the status of a previous request to have the security light(s) redirected at the Oak Grove commuter lot. Staff indicated that this request has been forwarded to Dominion Virginia Power.

7. OLD BUSINESS

Appointment: Board of Building Appeals (District 2) – Mr. Culver stated that he wished to thank Clifford Dixon for his past service on the Board of Building Appeals. Mr. Dixon's term expired on December 31, 2009. Mr. Culver stated that Zebulon "Zeb" Brundage has agreed to accept this appointment.

Upon motion by Mr. Fisher, second by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson, and Mr. Hynson voting "aye", the Board appointed Zebulon "Zeb" Brundage to serve as the District 2 representative on the Westmoreland County Board of Building Appeals through December 31, 2013.

RECESS

At Mr. Brownley's request, the Board recessed briefly at 10:15 a.m.

RECONVENE

Chairman Hynson reconvened the meeting at 10:22 a.m.

7. OLD BUSINESS

Case #0912-ZA-02 – Proposed Amendments to Article 2 of the Westmoreland County Zoning Ordinance – Bob Fink, Director of Planning & Community Development, was recognized and briefly summarized this proposal. Beth McDowell, Planner, was also present for this portion of the meeting. Mr. Fink presented for the Board's information a table identifying the approximate acreage/land area within the various zoning district classifications in the county. This data confirms that the majority of Westmoreland County is comprised of A-1 (Agricultural) zoned properties. As proposed by the Planning Commission, there would be no commercial or industrial activities permitted by-right within the residential districts. For agriculturally zoned properties, the Planning Commission has suggested moving most activities to the special exception category.

John Felt, Chairman of the Westmoreland County Planning Commission, was given an opportunity to comment at this time. Mr. Felt commented on the Planning Commission's efforts to remain sensitive to the idea that the County wants to grow while addressing citizen concerns with respect to the public hearing process. The Planning Commission will be reviewing the industrial districts at its next meeting. Mr. Felt stated his anticipation that there will be very limited changes to those portions of the ordinance.

Mr. Brownley asked if the Planning Commission has discussed the need to modify the definitions of any uses specified in the zoning ordinance.

Mr. Felt stated that such discussions had to do primarily with comparing the old vs. new zoning designations. The newer definitions tend to impose clearer descriptions, whereas the older definitions were more general. Other discussions have focused on research & development laboratories and sewerage systems.

Chairman Hynson thanked all parties for their efforts in reviewing the ordinance. He indicated that it is the Board's desire to consider the proposed amendments to the zoning ordinance as a packaged item. Therefore, the Board will await the Planning Commission's recommendations with respect to the remainder of the ordinance.

Mr. Brownley spoke regarding the need to restore public confidence and to protect county citizens from the unintended or undesired consequences of having insufficient land use controls in place.

Mr. Brownley then offered a motion to adopt an emergency ordinance (to be in place for a period of sixty (60) days) to amend the Westmoreland County Zoning Ordinance so that no commercial, specialized, vocational, career training or any other non-public school or non-general educational institution would be allowed or established in any zoning district within Westmoreland County without the granting of a special exception pursuant to the special exception requirements as set forth in the Westmoreland County Zoning Ordinance.

Chairman Hynson spoke briefly regarding the pending litigation involving this matter.

Mr. Brownley stated that he does not believe that to be a valid consideration, as he does not feel that one has any legal nexus with the other.

Mr. Brownley's motion failed due to the lack of a second.

Concession Stand at Washington & Lee High School – Dr. Elaine Fogliani, Superintendent of Schools, and Malcolm Lewis, Athletic Director, were present for this portion of the meeting.

Mr. Risavi informed the Board that the committee met last week regarding this matter. Supervisors Russ Culver and Larry Roberson were present, along with School Board member Bryan Oliff. There have been some minor changes to the plans for the concession stand. These will be sent to

the School Board for final review. Mr. Risavi expressed a desire to be present when this matter is presented to the School Board. The committee has discussed the possibility of constructing the facility utilizing County personnel with the assistance of inmate labor. Consideration has also been given to bidding the project as a turn-key operation. The committee has recommended bidding the project as a turn-key operation and comparing those bids with the cost to complete the project internally.

Mr. Culver pointed out that bidding the project as a turn-key operation would still allow the County to select and purchase the equipment for the facility.

Dr. Fogliani spoke briefly regarding the ability to accept donations in support of this project, as well.

Mr. Roberson commented that he understands the need for a new concession stand; however, he is concerned about spending this kind of money, given the state of the economy.

Dr. Fogliani stated that this is a health/safety issue which needs to be addressed. She has lost sleep over the jobs and people that the pending state budget cuts will impact. This is not a one-year situation that the school system is facing with respect to the budget. The following year of the biennium is even worse. Even if the school's fund balance is used to save positions, it would be a very temporary thing.

Mr. Roberson stated that he would like the School Board to formally vote to ask for this money, given the new budget information that has become available since this matter was initially brought before the Board last year.

Mr. Lewis added that the concession stand/bathrooms are used for the annual Relay For Life and other community events. He pointed out that if it was a nicer facility, the concession stand would be open during baseball/softball season, as well.

Dr. Fogliani pointed out that the concession stand is a revenue generator for the school system.

Mr. Roberson asked if the Booster Club tracks how those funds are utilized. Dr. Fogliani confirmed that they do maintain a budget.

It was also noted that equipment costs are higher because of fire suppression requirements.

Discussion ensued regarding the cost to provide sewer service to the facility. It was suggested that it might be cheaper to install a septic system instead of connecting to the public sewer system. It was mentioned that the sewer installation counts toward the required local effort.

Mr. Brownley asked about the condition of the football field.

Mr. Lewis advised the Board that the field has been planted with Bermuda grass. This is the result of a gradual effort over the past 8-10 years.

Mr. Brownley expressed a desire to have the ticket booth painted. He also stated that the gold flag is deteriorating and needs to be replaced.

Mr. Risavi asked if the engineers have prepared the bid documents for the roof replacement at the high school.

Dr. Fogliani stated that they are still working to finalize the contract. It has to go back to the School Board's attorney for review.

Mr. Risavi stated that time is of essence, as this project must be completed before the next school year begins.

8. NEW BUSINESS

Group Health Insurance Renewal – Mr. Risavi presented the proposed health insurance premiums for the upcoming fiscal year, which reflect a 5.7% increase over current year rates. These rates will go into effect July 1, 2010. Several options are available. Employees are able to choose the plan which they feel best meets their needs.

Myrtle Lee France was recognized and asked if the increase will be passed along to the employees.

Mr. Risavi stated that such increases are generally divided equally among the Employee and Employer.

Mr. Brownley spoke regarding the increasing cost of health care and stated his hope that citizens will continue to press for change at higher levels of government.

Mr. Culver pointed out that this does not include the employees of the school system.

Upon motion by Mr. Roberson, second by Mr. Culver and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye", the Board authorized the renewal of Westmoreland County's existing group health insurance plan under the Local Choice Health Care Program for Fiscal Year 2010/2011, based on the following rates effective from July 1, 2010 through June 30, 2011:

ACTIVE EMPLOYEES	SINGLE	DUAL	FAMILY
*Key Advantage Expanded	\$571	\$1,056	\$1,542
Key Advantage 250	\$530	\$981	\$1,431
*Key Advantage 500	\$490	\$907	\$1,323
Key Advantage 1000	\$462	\$855	\$1,247
High Deductible Health Plan	\$417	\$771	\$1,125
*Benefit Plans Currently Offered			

9. REPORTS FROM SUPERVISORS

District 5 – Mr. Roberson informed the Board that Colonial Beach resident Ida Posey has passed away. Ms. Posey was 103 years old. He also announced that Lottie Dove Smith Mace will celebrate her 100th birthday on March 10th. Mr. Roberson moved that the Board adopt a proclamation designating May 10, 2010 as *Lottie Dove Smith Mace Day* in Westmoreland County, in recognition of her 100th birthday.

Mr. Fisher commented that it is a blessing from above to have that longevity of life; however, he would caution the Board to be mindful of setting a precedent.

Chairman Hynson suggested that it would be appropriate to send a letter of recognition from the Board, rather than to adopt a proclamation.

Mr. Roberson amended his motion to direct staff to prepare a congratulatory letter to Lottie Dove Smith Mace in recognition of her 100th birthday. The motion was seconded by Mr. Fisher.

Mr. Brownley suggested that the Board consider establishing a policy that when any county resident reaches 100 years of age, it would be acknowledged.

The motion carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley, and Mr. Hynson voting "aye".

District 2 – Mr. Culver noted that he has spoken with several citizen residents who were concerned about their property assessments.

District 1 – Mr. Fisher had no additional remarks at this time.

District 4 – Mr. Hynson had no remarks other than to say that he was glad to see the sunshine today.

District 3 – Mr. Brownley issued a statement regarding recent events in his personal life.

10. PUBLIC COMMENT PERIOD

Mr. Fisher stated that, unless there is an assurance that there will be no personal attacks toward his colleague, he would recommend the Board not have the public comment period.

Mr. Fisher offered a motion to amend the agenda to suspend the public comment period for this meeting. There was no second. The motion failed.

Mr. Hynson stated that he appreciates Mr. Fisher's comments. He has made it clear that he believes in public comment only to the degree that it pertains to the business of the county. Mr. Hynson went on to say that he will not entertain any question or thought that is personal in nature. Anyone that brings up anything inappropriate will be asked to leave.

The following persons spoke during the Public Comment Period:

Myrtle Lee France – Ms. France thanked Mr. Brownley for presenting the idea of an emergency amendment to the zoning ordinance. Ms. France stated that she was disappointed in the other supervisors for not considering this proposal.

Norma McGuire – Ms. McGuire thanked Mr. Brownley for his efforts, stating that he has been the only member of the Board to give the public any indication that he is listening to what they have to say. Ms. McGuire expressed her opinion that Mr. Brownley's proposal deserves consideration by the Board.

Kennon Morris – Mr. Morris commented on Mr. Brownley's efforts with respect to the by-right issue. He then questioned how much the County pays for employee health insurance. Mr. Morris suggested the County explore ways to save in this area.

Mr. Risavi summarized the rate structure of the County's health insurance plan, in accordance with the requirements of the Local Choice program.

Mr. Morris also commented on the cost to provide sewer service for the concession stand at the high school. He suggested that a new septic system might be cheaper. Mr. Risavi noted that the existing septic system is failing.

Coralynn Wise – Ms. Wise appealed to the Board to extend the hours during which county residents may access the walking path at the A. T. Johnson Human Services Building.

John Krainock – Mr. Krainock inquired as to status of the emergency services assessment that was to be conducted by the Department of Fire Programs. He also suggested that Comcast Communications be asked to give a report on the status of improvements to the cable system within Westmoreland County.

Bill Alverson – Mr. Alverson questioned why the Board did not consider Mr. Brownley's proposal relating to the zoning ordinance. He also suggested that persons within the community might be willing to donate a good portion of the materials for the concession stand, which would help to reduce the cost of that project.

There being no further comments, Chairman Hynson closed the public comment period at this time.

Mr. Risavi stated that the report mentioned by Mr. Krainock has been completed. It was presented by Calvin Balderson, Deputy Emergency Services Coordinator at the time.

Mr. Culver suggested that this report be posted on the County's website for public information.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion by Mr. Fisher, second by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Roberson, Mr. Culver, and Mr. Hynson voting "aye", the Board adjourned at 11:30 a.m. The Board's next regular meeting will be held on Monday, April 12, 2010, beginning at 6:00 p.m.

Chairman, _____

