BOARD OF SUPERVISORS MINUTES

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, January 10, 2012 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Jr., Vice-Chairman; Shannon Abbs; Grover Wilson; and James K. White. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the agenda as modified. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the consent agenda as presented.

RE: <u>SUPPLEMENTAL APPROPRIATIONS</u>

The Board approved the following supplemental appropriations:

			ACCOUNT			
DEPT	Debit	Credit	DESCRIPTION	AM	MOUNT Funding Source	
			Professional			
Litter Control	4-100-042710-3100	3-100-024040-0700	Services	\$	4,740.00	Litter Grant Revenue
Litter Control	4-100-042710-5210	3-100-024040-0700	Postage	\$	54.56	Litter Grant Revenue
Litter Control	4-100-042710-5851	3-100-024040-0700	Litter Projects	\$	2,215.44	Litter Grant Revenue
Litter Control	4-100-042710-6001	3-100-024040-0700	Office Supplies	\$	150.00	Litter Grant Revenue
Subtotal Litter						
Control				\$	7,160.00	
			Total this			
			meeting	\$	7,160.00	

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

Transfer from department	Transfer from line item	Amount	Transfer to department	Transfer to line item	Amount
Reassessment Project	4-312-094106-3171	(28,500.00)	4-312-093100-0100	Transfer to General Fund	28,500.00
Transfer From Capital Proj	3-100-041050-0312	28,500.00	4-100-012330-1111	Salaries	20,000.00
			4-100-012330-2100	FICA	1,530.00
			4-100-012330-2710	Workers Comp	25.00
			4-100-012330-3100	Prof. Services (Legal)	2,500.00
			4-100-012330-3600	Advertising	1,000.00
			4-100-012330-5510	Travel: mileage	1,000.00
			4-100-012330-5541	Travel: Other Training.	2,445.00

Transfer budget for Board of Equalization expenses to General Fund from Capital Project Fund

RE: RESOLUTION OF APPRECIATION

The Board approved the following Resolution of Appreciation as presented:

WHEREAS, Mrs. Laura Carter was appointed by the Board of Supervisors in 1995 to serve on the Litter Control Committee and faithfully served on the Litter Control Committee until 2011; and

WHEREAS, Mrs. Carter was appointed to and served in the position of Litter Control Committee Coordinator, a contracted position with the County of Orange, from 2005 through 2011, with superior effort, results and attitude; and

WHEREAS, she implemented many new events and projects to further the goals of recycling, reducing litter, and public education throughout her many years of service; and

WHEREAS, Mrs. Carter has been an active, contributing volunteer in many aspects of community service to the Town and County of Orange; and

WHEREAS, the County wishes to show its appreciation in a lasting way and plans to plant a tree in Mrs. Carter's honor on Earth Day, April 22, 2012, at Orange Elementary School;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Supervisors publicly recognizes Laura Carter and extends its appreciation for her dedicated and unselfish service to the County of Orange.

RE: MINUTES

The Board approved the following minutes:

December 13, 2011 Regular Meeting

January 3, 2012 Organizational Meeting

Ayes: Abbs, Goodwin, Wilson, Frame. Nays: None. Abstain: White.

RE: PUBLIC APPEARANCES

RE: <u>EMPLOYEE OF THE MONTH</u>

Julie Jordan, County Administrator, presented the Employee of the Month award to Mr. Kurt Hildebrand, Public Works Director, for January 2012.

RE: PRESENTATION OF SERVICE AWARDS

The following employees were not in attendance but were recognized for their service:

Maria "Toyita" Rivera
Stephanie Buck
Years
Tourism Marketing Coordinator
Parks and Recreation Attendant

RE: INTRODUCTION OF RON ROSE, LITTER CONTROL COORDINATOR

Kurt Hildebrand, Public Works Director, introduced Ron Rose, Litter Control Coordinator to the Board. Mr. Rose approached the Board and explained his excitement about his new role with Orange County.

RE: PRESENTATION BY THE BOYS AND GIRLS CLUB

James Pierce, Executive Director of the Boys and Girls Club, gave an update on the Orange County Boys and Girls Club regarding: existing programming, current enrollment numbers and costs, waiting list statistics, and the success of the Club. Mr. Pierce concluded his presentation by requesting that the County consider reducing or eliminating the rent charged to the Boys and Girls Club by Orange County Public Schools.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE

David Cubbage, Northern Residency Administrator, appeared before the Board to provide an update on the status of road projects and piping efforts in Orange County. Mr. Cubbage stated that the speed study had been completed for Parker Road and that VDOT did not recommend lowering the speed limit. He also commented on the Route 601 Speed Study in which VDOT recommends a partial speed reduction near the intersection of Route 601 and Route 20 to 40 mph (1.2 mile section) and a reduction near the intersection of Route 601 and Route 3 to 40 mph (1.1 mile section); Mr. Cubbage further noted that VDOT recommends leaving approximately an 1.5 mile section of the road un-posted in between the two aforementioned intersections.

Discussion ensued about signage on Jacksontown Road.

RE: ANIMAL SHELTER BI-ANNUAL REPORT

Beth Hamilton, Animal Shelter Director, provided the Board with a summary of the Animal Shelter's efforts and accomplishments for 2011. She shared a PowerPoint presentation highlighting each month in 2011 illustrating updates to the animal shelter facilities and providing information on achievements, statistics, and information about the Shelter's volunteer base. Ms. Hamilton concluded her presentation by presenting the Shelter's goals for 2012.

RE: <u>ECONOMIC DEVELOPMENT QUARTERLY REPORT</u>

Karen Epps, Economic Development Director, reported on Economic Development activities over the last three months, including the following topics:

- Orange Workforce Center;
- Site and building information;
- Revisions to the Economic Development website: thinkorangeva.com;
- Business First Orange;
- Target Study through the Thomas Jefferson Partnership for Economic Development;
- Economic Development Authority; and
- Follow-up efforts with Verizon for extending its services into other areas of Orange County.

Supervisor Abbs commented on the draft plan relating to Broadband that was presented to the Economic Development Authority and requested that the plan be presented to the Board of Supervisors. Mrs. Abbs further requested that specific numerical prospect statistics be provided to the Board as part of future quarterly reports regarding Economic Development in the County. Ms. Epps commented that between January 2011 and December 2011, twelve prospects reached out to her office.

Julie Jordan, County Administrator, commented on potential upcoming federal legislation regarding funding for workforce centers. Ms. Jordan also noted that a new Executive Director for the Thomas Jefferson Partnership for Economic Development had been selected and would be introduced to the Board shortly.

Discussion ensued regarding Workforce Center participation and the Workforce Investment Board's in each of the neighboring nine localities. Ms. Epps stated that employers are utilizing the Center in an effort to access potential employees.

Chairman Goodwin announced that a Dialysis Center would be opening up in the Eastern End of the County shortly.

RE: ACTION ITEMS

RE: EXTENSION OF CURRENT LEASE AGREEMENT WITH SKYDIVE ORANGE

Kurt Hildebrand, Public Works Director, gave an overview of recent requests by the Board of Supervisors and subsequent meetings with the Airport Commission. He shared the Airport Commission's recommendation to extend the current lease between the County and Sky Dive Orange for a three year period, with the option of renewal at that time. They also recommended the lease should contain stipulations that limit the number of campers to the existing twelve that are currently on site with the campers remaining where they are, within the fenced enclosure. Gigi Rucker, Sky Dive Orange Treasurer, was also present to answer questions asked by the Board.

Discussion ensued regarding the condition of the fence around the camper site, whether or not the campers are permanent or temporary in nature, the revenue Sky Dive Orange generates, and the business nature of Sky Dive Orange as opposed to a residential nature.

Mr. Frame moved, seconded by Mr. Wilson and carried, to extend the current lease agreement between the County and Skydive Orange for a three year period, with the option of renewal at that time. Furthermore, the lease should contain stipulations that limit the number of campers to the existing twelve (12) that are currently on site and these campers are to remain where they are, inside the fenced enclosure.

Ayes: White, Goodwin, Wilson, Frame. Nays: None. Abstain: Abbs.

RE: LANDFILL EXPANSION WETLANDS MITIGATION AND RESTRICTIVE COVENANTS

Kurt Hildebrand, Public Works Director, provided the Board with an overview on permits previously obtained in order for the Orange County Landfill to proceed with plans to expand into new disposal cells and continue to operate beyond the mandated closing of the existing facility. He gave an overview of the next order of business which is to mitigate the wetland and stream that will be disturbed during construction and operation of the new cells. He detailed costs and permit requirements associated with this process. He noted legal counsel had reviewed the Restrictive Covenants document and plat required by the U.S. Army Corp. of Engineers (USACE)/Virginia Department of Environment Quality (DEQ) wetlands permit and has deemed them to be acceptable, and that a public hearing was not required for this action. He shared the staff recommendation for the Board of Supervisors to approve placing the 18.799 acres into Restrictive Covenants.

Supervisor White questioned the number of acres involved in this process and whether all approximately 19 acres were needed at this time. Discussion ensued regarding the 18.799 acres and the mitigation costs.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize the County Administrator to execute the Restrictive Covenants and all associated documents and to record these documents upon approval of the U.S. Army Corp of Engineers.

Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

RE: <u>TMDL RESPONSES</u>

Julie Jordan, County Administrator, gave an update on the input received from the Town of Orange, Town of Gordonsville, Lake of the Woods, and the Agricultural Community regarding Total Maximum Daily Load(s) (TMDL). Ms. Jordan stated that the responses from these shareholders need to be forwarded to be included in the comments for the Phase II Watershed Implementation Plan.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize the County Administrator to provide all comments provided to the County by stakeholders regarding the TMDL responses to the Rappahannock-Rapidan Regional Commission (RRRC), who will then provide it to the Department of Conservation and Recreation (DCR).

Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mr. Frame moved to appoint Maurice Moody, as one of the At-Large representatives to the Rappahannock Emergency Medical Council (REMS), to replace the unexpired term of Charlie Bocook, with said term expiring on June 30, 2012.

Mrs. Abbs moved to appoint Francis Lea, as one of the At-Large representatives to the Health Center Commission, beginning on March 1, 2012, for a four year term with said term expiring on February 28, 2016.

Mr. Goodwin moved to appoint Christine Bodendorf, as the District Two representative to the Litter Control Committee for a two year term, with said term expiring on May 31, 2014.

Mr. White moved to appoint Jack Rickett, as the District Two representative to the Economic Development Authority, to replace the unexpired term of Jim White, with said term expiring on December 31, 2013.

Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

RE: CHANGES TO ORANGE COUNTY YOUTH COMMISSION

Ashley Jacobs, Deputy Clerk, explained that several changes were needed to the membership of the Youth Commission as a result of redistricting, vacancies, and resignations. Supervisor Abbs made the suggestion that all Youth Commission members be appointed as At-Large Members are opposed to district specific members. Discussion ensued.

By consensus, the Board requested that the Orange County Youth Commission consider amending its By-Laws to provide that all members be considered At-Large members as opposed to district specific members and that staff report back to the Board at the January 24, 2012, meeting about this matter.

RE: DISCUSSION ITEMS

RE: ROUTE 20 RESIDENTIAL SEWER LINE PROJECT SURVEY RESULTS

Karen Epps, Economic Development Director, summarized the results from the Route 20 sewer line project surveys issued by the Rappahannock Rapidan Regional Commission (RRRC). She stated that 100% of those individuals in the survey area completed and returned their surveys. Ms. Epps asked the Board if they were interested in proceeding with the survey of the extended area consisting of an additional 64 parcels at an additional cost of \$2,200.

Discussion ensued including: the costs of running the line and the need to conduct the engineering report to determine the costs; tap fees; the participation during the survey phase; the need to survey the remaining scope area; the cost of the entire project; and the stipulations of the grant.

By consensus, the Board directed staff to obtain a general estimate for the overall project cost and to explore other grant options available to fund the project prior to extending the survey area.

RE: FORMER SHELTERING ARMS FACILITY

Julie Jordan, County Administrator, explained that she and Public Works staff have examined the former Sheltering Arms facility and that the building needs to be inspected by an official building inspector. Furthermore, she stated that there may be a need to engage a structural engineer to inspect the facility. Ms. Jordan also noted that through her discussions with Bob Lingo, Social Services Director, and other County officials, she was informed that there appears to be no homeless population in Orange County at this time. Additionally, Ms. Jordan informed the Board the Culpeper homeless shelter recently closed its doors as well, for a lack of illustrated need.

Discussion ensued regarding the security of the building and the need to start this process slowly and have the County's Building Official submit a report to the Board.

By consensus, the Board directed the County Administrator to request the County Building Inspector to provide a report on the former Sheltering Arms facility and to report back to the Board with the findings.

RE: CLOSED MEETING

At 5:30 p.m. Ms. Pandak read the following motion authorizing Closed Session:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- Discussion regarding acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, and legal advice related thereto (§2.2-3711.A.3, 7 VA Code Ann.);
- Two (2) matters of actual or probable litigation and legal advice related thereto, where consultation in open meeting would adversely affect the litigating posture of the County (§2.2-3711.A.7 VA Code Ann.);
- Two (2) matters of discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the governing body would be adversely affected and legal advice related thereto (§2.2-3711.A.6, 7 VA Code Ann.);
- One matter of discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community (§ 2.2-3711.A. 5 VA Code Ann.);
- One matter of discussion regarding consideration of prospective candidates for employment (§2.2-3711.A.1 VA Code Ann.);
- One matter of assignment of employees (§2.2-3711.A.1 VA Code Ann.); and

 Consultation with legal counsel where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body (§2.2-3711.A.7 VA Code Ann.);

WHEREAS, pursuant to §§2.2-3711.A. 1, 3, 5, 6 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter(s) in Closed Meeting.

Mrs. Abbs made a motion, seconded by Mr. Frame approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: <u>CERTIFICATION OF CLOSED MEETING</u>

At 7:04 p.m. Ms. Pandak read the following resolution certifying the closed meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Mr. Frame made a motion, seconded by Mr. Wilson approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: PUBLIC COMMENT

At 7:04 p.m. Chairman Goodwin opened the floor for public comment. The following individuals spoke:

- Helen Marie Taylor, 109 Caroline Street, Orange, Virginia 22960, commented on the Land Agreement of 2000.
- Henry Howell of Virginia Beach, commented on the Land Agreement of 2000 with Helen Marie Taylor.

There being no additional speakers, public comment was closed.

RE: PUBLIC APPEARANCES (CONTINUED)

RE: RECOGNITION OF LAURA CARTER, FORMER LITTER CONTROL COMMITTEE COORDINATOR

Chairman Goodwin presented the Resolution of Appreciation to Laura Carter, Former Litter Control Coordinator, on behalf of the Board.

RE: BOARD COMMENT

Supervisor Frame requested that staff forward all recent letters, resolutions, and other correspondence previously sent to former Senator Houck to the office of Senator Reeves. The Board concurred.

RE: <u>DISCUSSION ITEMS (CONTINUED)</u>

RE: LEGAL REPRESENTATION FOR THE BOARD OF ZONING APPEALS

Mr. Frame moved, seconded by Mr. White and carried, to engage Richard Wilkinson, Attorney, to provide legal representation to the Board of Zoning Appeals, for assistance during the meeting which addresses the George Carter/Village Motorsports issue, for a cost not to exceed \$2,000.

Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

RE: <u>INFORMATION ITEMS</u>

The Board received the following correspondence for its information:

- Virginia Department of Transportation Monthly Report for January
- Revised 2012 Holiday Schedule
- E911 Recorder Grant Memo

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of January, February and March, 2012.

RE: 2012 BOARD RETREAT – JANUARY 14, 2012 AND JANUARY 15, 2012 AT 8:30 A.M. – ORANGE COUNTY AIRPORT

County Administrator, Julie Jordan, updated the Board on the Board Retreat facilitator's plan for the Retreat on January 14, 2012 and January 15, 2012. Ms. Jordan also distributed the draft agenda for the Retreat as provided by the facilitator.

RE: <u>DISCUSSION ITEMS (CONTINUED)</u>

RE: COUNTY ATTORNEY SEARCH

Julie Jordan, County Administrator, stated that she had spoken with Springsted regarding the County Attorney search. She stated that they have created a scope of services for this task and she requested the Board give her the authority to execute the agreement. Furthermore, she discussed Springsted's request to meet with each Supervisor to discuss their needs for a candidate for the position of County Attorney, and outlined the timeline for the process of selecting a County Attorney.

Mr. Frame moved and Mr. Wilson seconded, to engage Springsted for the purposes of recruiting an in-house County Attorney for a fee of \$12,500, plus expenses, as detailed in a separate agreement.

Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

RE: RECESS

The Board recessed the meeting at 7:22 p.m.

RE: RECONVENE

The Board reconvened at 7:31 p.m. in Open Meeting.

RE: PUBLIC HEARING

Kurt Hildebrand, Public Works Director, gave a brief staff report regarding the consideration of condemnation of property owned by Helen Marie Taylor in order to comply with Federal Aviation Administration (FAA) and other requirements for the Runway Protection Zone (RPZ) and related uses. Mr. Hildebrand outlined the process to date and stated that agreement could not be reached with the landowner on compensation to be paid or other terms of purchase or settlement. Adam Switzer, with Delta Airport Consultants, was also present to answer questions pertaining to the public hearing.

At 7:35 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

 Consideration of a resolution approving the condemnation for public use/operation of Orange County Airport, in order to comply with Federal Aviation Administration and other requirements for the Runway Protection Zone and related uses, of property owned by Helen Marie Taylor, 1.364 acre portion of Tax Map 45-4, and to certify that the acquisition has been reviewed for purposes of complying with §1-219.1 VA Code Ann., because agreement could not be reached with the landowner on compensation to be paid or other terms of purchase or settlement.

The following individuals spoke:

- Henry Howell, III, Virginia Beach
- Zack Burkett, 14162 Marquis Road, Orange, Virginia 22960
- Helen Marie Taylor, 109 Caroline Street, Orange, Virginia 22960

There being no other speakers, Chairman Goodwin closed the public hearing at 7:44 p.m.

Discussion ensued including: the assessors that Ms. Taylor recently retained; the time frame for the FAA to complete this process; the height of structures permitted in the RPZ; and existing easements over the subject property.

Mr. White moved, seconded by Mr. Wilson and carried, to table the resolution to approve condemnation for operation of County Airport of property owned by Helen Marie Taylor, 1.364 Acre Portion of Tax Map 45-4, until the February 14, 2012 meeting.

Ayes: Abbs, White, Wilson, Frame. Nays: Goodwin.

RE: <u>CLOSED MEETING</u>

At 7:52 p.m. Ms. Pandak read the following motion authorizing Closed Session:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following additional matter(s):

- Additional matter of actual or probable litigation and legal advice related thereto, where consultation in open meeting would adversely affect the litigating posture of the County (§2.2-3711.A.7 VA Code Ann.);

WHEREAS, pursuant to §§2.2-3711.A. 7 VA Code Ann., such discussion(s) may occur in Closed Meeting:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated additional matter(s) in Closed Meeting.

Mr. Frame made a motion, seconded by Mr. White approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CERITFICATION OF CLOSED MEETING

At 9:09 p.m. Ms. Pandak read the following resolution certifying the closed meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Mr. Frame made a motion, seconded by Mr. White approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: <u>BUDGET WORKSESSION – CIP DISCUSSION</u>

Discussion ensued regarding: creating a steady funding stream for Capital Improvement Plan (CIP) expenditures; technology needs for the County; specific Information Technology CIP projects including upgrading the VoIP Telephone System and the possibility of collaborating with the school system; the possibility of the Board obtaining detailed CIP information; the process by which staff presents their CIP project requests to the Board; financial software upgrade for all County entities as presented in the Finance department CIP and what is involved in upgrading the entire system; the financial software and hardware required to upgrade the current system; and direct deposit for County employees.

RE: <u>ADJOURNMENT</u>

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Frame and carried, to adjourn the meeting at 9:56 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman
ulie G. Jordan, County Administrator