# **BOARD OF SUPERVISORS MINUTES**

At a continued meeting of the Orange County Board of Supervisors held on Tuesday, February 1, 2011 beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; Shannon C. Abbs, Vice-Chairman; Zack Burkett; S. Teel Goodwin; and Grover C. Wilson. Also present: Julie G. Jordan, County Administrator; Sharon E. Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

# RE: CALL TO ORDER

Chairman Frame stated that the meeting had been continued from January 25, 2011, due to the inoperability of the elevator in the Gordon Building.

## RE: ADOPTION OF AGENDA

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

#### RE: CONSENT AGENDA

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the following consent agenda items as presented:

# RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

	ACCOUNT				
DEPT	DESCRIPTION	AMOUNT		Funding Source	
				Forfeited Asset	
Sheriff	Forfeited Assets	\$	28.01	Revenue	
Sheriff	Swat Donations	\$	1,000.00	Donations	
Sheriff	Supplies-maintenance	\$	20.00	Miscellaneous Revenue	
Sheriff	Supplies-K9 food	\$	300.00	Miscellaneous Revenue	
Sheriff	Office supplies	\$	150.00	Miscellaneous Revenue	
Sheriff	Supplies-K9 food	\$	100.00	Miscellaneous Revenue	
<b>Subtotal Sheriff</b>		\$	1,598.01		
Office on Youth	Supplies	\$	410.00	Fundraiser Revenue	
Subtotal Office on Youth		\$	410.00		
Animal Shelter	Emergency Vet	\$	6,870.00	Donations	
	Renovations-Laundry				
Animal Shelter	Room	\$	5,000.00	Donations	
Subtotal Animal Shelter		\$	11,870.00		
	Total this request	\$	13,878.01	-	
	Total Year to Date	\$	169,872.28	_	

# RE: <u>BUDGET TRANSFERS</u>

The Board approved the following budget transfers:

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount	Amount	
Sheriff	Lease Rent Equip	IT	Lease Rent Equip	6,520.00	Α	

A - Transfer of funds to cover increase in tower rent.

## RE: MINUTES

The Board approved the minutes of November 16, 2010 Regular Meeting, and December 14, 2010 Regular Meeting, as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

## RE: PUBLIC COMMENT/PUBLIC APPEARANCES

#### RE: PUBLIC COMMENT

Chuck Mason, Mayor, Town of Orange, recommended to the board to nominate Brian Gibson, to the Economic Development Authority as the Town of Orange Representative.

RE: PRESENTATION OF AUDIT BY ROBINSON, FARMER, COX AND ASSOCIATES
David Foley, auditor with Robinson, Farmer, Cox Associates, gave an update on the
County's audit report for FY 2009-10.

#### RE: BOARD COMMENT

Chairman Frame commented on a discussion regarding the mining of uranium in Virginia, scheduled in Richmond, on February 7, 2011. He explained that in the past, the Board members showed their support with a letter to the representatives. He also mentioned that if no one was interested in attending, Mr. Bill Speiden was planning to attend and suggested that they give him the letter of support to pass on to the representatives.

By consensus, the Board agreed to have Mr. Bill Speiden, pass a letter of support to the Representatives of the Virginia Mining Moratorium of Uranium.

Chairman Frame commented on the VACo Alerts and process for responding to them. Chairman Frame would like to hear input from the Board on these. Ms. Jordan inquired as to how the Board would like her to respond to these alerts. Chairman Frame suggested that Ms. Jordan, send a letter or e-mail based on VACo's talking points out to all of the Board members, get their feedback and then present it to the Board for approval or denial.

Chairman Frame also commented on the zoning issues of each individual's property and asked Sharon Pandak, County Attorney's advice on how they can change the policy to make sure that all of the properties are zoned accurately. He commented that after a quick calculation, it looked like the County was losing approximately \$130,000 a year, in potential tax revenue.

Supervisor Abbs made a comment that each parcel of property has been reviewed by the Planning and Zoning Department and the Commissioner of the Revenue's office, and was either rezoned by the individual prior to 1988, or by the County after 1988.

Sharon Pandak, County Attorney, explained that she would need a copy of the report and the indications of the dates on the rezoning, before determining what needs to be changed. She hoped to

have that information to the Board by the next Board meeting, on March 22, 2011, or by the first meeting in April.

# RE: ACTION ITEMS

#### PROPOSED AMENDMENT – DELTA AIRPORT CONSULTANTS

Kurt Hildebrand, Director of Public Works, stated that Amendment No. Three (3): Land and Easement Acquisition – Phase I with Delta Airport Consultants, were executed on June 10, 2008. The scope of the project included: relocation of the existing overhead Verizon and Comcast cable adjacent to the Orange County Airport, and assistance with acquisition of avigation easements and fee simple land acquisition. Mr. Hildebrand reported that the fee for Amendment No. Three (3) totaled \$248,136 with the project being funded through grants acquired from the Federal Aviation Administration (FAA) and the Department of Aviation (DOAV). He also indicated that the total project estimate for this phase is \$500,000, funded 95% by the FAA (\$475,000); 3% by the DOAV (\$15,000); and 2% local (\$10,000). The contract price will increase by \$18,744 (from \$248,136 to \$266,880).

Mr. Hildebrand stated that the FAA and the DOAV have approved the proposed work for reimbursement under existing grants via email dated January 11, 2011, and January 13, 2011, respectively. Mr. Hildebrand reported that the County's share of the increase is 2% (\$374.88). The existing FAA and DOAV grants for this project contain sufficient unused funds such that the project will still be completed within the funding levels of the grants, and this will not result in a County expenditure of funds beyond that originally budgeted for the project.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute Amendment No. Three (3) Revised with Delta Airport Consultants, Inc., contingent on written approval by FAA and DOAV. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

#### RE: PUBLIC COMMENT – REDISTRICTING

Ms. Jordan gave a brief overview of the Redistricting process. Mr. Burkett stated that there are very few polling places in Districts Two and Three. He requested information regarding locations/facilities currently being used and precinct requirements.

At this time, Chairman Frame opened the floor for public comment. The following individual spoke: Donald Brooks, 9258 Everona Road, he commented on the Redistricting and the lack of information to the citizens.

Chairman Frame noted that each member of the Board received a letter from Tom Bundy regarding Redistricting.

There being no other speakers at this time, Chairman Frame closed the Redistricting Public Comment.

# RE: <u>ACTION ITEMS CONTINUED</u>

# RE: LAKE OF THE WOODS WATERLINE IMPROVEMENTS RELATING TO THE NEW MIDDLE SCHOOL PROJECT

Kurt Hildebrand, Director of Public Works, reported that, as part of the new Middle School Project, water lines were extended from the existing East Water System which is owned and operated by the Rapidan Service Authority (RSA), and a new 0.5 million gallon (MG) elevated water storage tank was constructed on the school site. After completion of the new lines and tank, some issues were discovered relating to water flow volumes which hamper the ability to operate this tank property. Mr. Hildebrand stated that Draper Aden Associates was hired to evaluate the operation of the new tank and make recommendations to resolve the flow issues. Draper Aden Associates concluded that operation of the new tank is hampered by two primary

constraints and that addressing these issues would allow the new tank to operate in a similar fashion to the existing Lake of the Woods tank. He indicated that Draper Aden Associates has now provided their proposal for design of the improvements necessary to resolve the flow issues. Because these issues need to be resolved quickly so as not to impact the completion date of the Middle School Project, it is proposed that Draper Aden Associates be hired through the annual contract held by Orange County. The accrued fees are to come from the Middle School Project's contingency fund.

Discussion ensued: concerning the responsibility of the inadequate design from Timmons Engineering firm or to continue with the Draper Aden contract or have Timmons Engineering fix the problem.

Kurt Hildebrand, Director of Public Works, commented after looking at all of the available solutions and his recommendation was to move forward with the Draper Aden contract.

By consensus, the Board agreed to have the County Attorney to look into the Timmons' Engineering contract for responsibility of the inadequate design and for possible liability.

Mr. Goodwin moved, seconded by Mr. Frame and carried, to authorize the County Administrator to execute the Proposal for Engineering Services Lake of the Woods Waterline Improvements, Draper Aden Associates Proposal No. CV07195-05P, through the current Annual Contract held between Orange County and Draper Aden Associates, with fees for this proposal to be paid from the New Middle School Project contingency. Ayes: Goodwin, Wilson, Frame. Nays: Abbs, Burkett.

## RE: PROPOSED AED CONTRACT

Jamie Clark, Fire & EMS Director, provided the Board with a Technical Services Support Agreement between the Orange County Fire & EMS Department and Physio Control. Mr. Clark explained that this agreement has a three year term and covers maintenance of all cardiac monitors and Automatic Electronic Defibrillators (AED) used by emergency services.

Discussion ensued about what type of maintenance is included with the contract and statistics of lives saved by having the cardiac monitors and AED's in place.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve a Technical Service Support Agreement with Physio Control for a three (3) year term in the amount of \$32,847.00. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

# RE: CLARK MOUNTAIN TOWER LEASE

Jamie Clark, Fire & EMS Director, stated to the Board that the existing public safety radio system consists of a radio tower site on Clark Mountain, located at the end of Mooremont Road in Orange County. The County had recently received grant funding to make the necessary changes to comply with the FCC narrow banding requirements and relocate the Clark Mountain radio site to a higher elevation on top of the mountain.

Mr. Clark explained that without that site they have no communications with law enforcement, with the school buses, and approximately 80% of the Fire and Rescue. He stated that the funds were to be divided between the Sheriff's department, the school system and Fire and Rescue, approximately \$500.00 a month.

Mr. Burkett commented on the towers height and how much of that tower was being used, how many entities are currently using the tower, and if there was any mention of contributions to help clean up the tower. He asked Mr. Clark to see if he could find out this information and let them know, if possible.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the proposed amendment to the lease agreement with American Tower Company for \$1,550.00 per month, as presented. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

#### RE: PROPOSED PERSONNEL POLICY FOR IN COUNTY VOLUNTEERS

Julie Jordan, County Administrator, explained that there was an issue within County employees volunteering with the Fire and EMS department and other County departments. The Board originally requested that a personnel policy be drafted and approved by the Board to correct the situation. Ms. Jordan commented that after trying to draft a personnel policy and reviewing the Standard Operating Guidelines (SOG's) for the Fire and EMS department, they found that those guidelines actually addressed the situation in hand and that a personnel policy would not be necessary, after all.

Discussion ensued including: what the issues were and why the need for a personnel policy to correct the situation, and how it was taken care of through the Standard Operating Guidelines (SOG) of the Fire and EMS department.

No action was taken by the Board.

# RE: <u>CLAIM OF ESTATE OF JASON GOODMAN</u>

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the following resolution.

#### DENY CLAIM OF ESTATE OF JASON GOODMAN

WHEREAS, on December 30, 2010, the County received a notice of claim filed by the Estate of Jason Goodman, by counsel, against Orange County and the Orange County Board of Supervisors for personal injuries and death suffered as a result of a boating incident on Lake of the Woods, Orange County; and

WHEREAS, pursuant to §15.2-1245 VA Code Ann., the County Attorney has advised the Board of Supervisors that the County and the Board are protected from the claim by the doctrine of sovereign immunity, that no County employee or agent was involved or acting on behalf of the Orange County or the Board on July 3, 2010 in this incident, that neither the County nor the Board have authority for boating or swimming purposes over Lake of the Woods which is located in a private subdivision, and the claim does not provide sufficient information to satisfy the Code requirements for County liability, and, therefore, has recommended that the claim be denied; and

WHEREAS, pursuant to §15.2-1245.A. VA Code Ann., legal counsel, by certified mail, served written notice on counsel for the claimant of the date that the Board of Supervisors would consider the claim; and

WHEREAS, in accordance with §15.2-1243 VA Code Ann., the Board has considered the claim:

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors hereby denies the claim of the Estate of Jason Goodman and directs that the Estate be notified through counsel. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

#### RE: CLAIM OF ROBIN SMITH

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the following resolution:

#### DENY CLAIM OF ROBIN M. SMITH

WHEREAS, on December 22, 2010, the County received a notice of claim filed by Robin M. Smith, through her counsel, against the Commonwealth of Virginia, Orange County Department of Social Services and its agents and/or employees, for damages allegedly arising out of a vehicle accident; and

WHEREAS, pursuant to §15.2-1245 VA Code Ann., the County Attorney has advised the Board of Supervisors that the County is protected from the claim by the doctrine of sovereign immunity, that the Orange County Department of Social Services is a State agency, and that the claim does not provide sufficient information to satisfy the Code requirements or present proper proof and, therefore, has recommended that the claim be denied; and

WHEREAS, pursuant to §15.2-1245.A. VA Code Ann., legal counsel, by certified mail, served written notice on counsel for the claimant of the date that the Board of Supervisors would consider the claim; and

WHEREAS, in accordance with §15.2-1243 VA Code Ann., the Board has considered the claim;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors hereby denies the claim of Robin M. Smith and directs that she be notified through counsel. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

# RE: EXTENSION OF CONTRACT WITH DOMINION BENEFITS CONSULTANTS

John Sieg, Interim Finance Director, explained to the Board that last year the County entered into a contract with Dominion Benefits to provide expert consultant assistance in analyzing the County's health insurance program and advising County staff on program structure and in dealing with insurance providers and that Staff is recommending that the County exercise its option to renew the contract for one more year.

Mr. Seig, Finance Director, stated that Dominion Benefits has been an excellent resource for the County staff over the last year and have been extremely helpful in analyzing the claims data and recommending strategies for improvements and modifications of the employees benefit programs.

Ms. Jordan stated that it was a considerable reduction over the consultant that they had in previous years.

Discussion ensued about the employee's claims and the overall quality of Dominion Benefits.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to extend the County's current contract with Dominion Benefits for a one-year term at an annual price of \$48,480. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

RE: <u>SESQUICENTENNIAL COMMITTEE</u>

Ms. Jordan stated that due to the recent departure of Lynne Lochen, Tourism Director, she recommended that Ms. Leigh Mawyer, Tourism Coordinator, be appointed to fill the vacancy of the Sesquicentennial Committee for the County.

# RE: <u>ECONOMIC DEVELOPMENT AUTHORITY (EDA) - TOWN OF ORANGE</u> REPRESENTATIVE

Supervisor Goodwin nominated Mr. Brian Gibson to serve as the Town of Orange Representative for the Economic Development Authority, with said term expiring on December 31, 2014.

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

## RE: DISCUSSION ITEMS

#### RE: BOLING LANE UPDATE

Julie Jordan, County Administrator, informed the Board that she had received information from VDOT regarding Barbara Black's request to get her road placed into the State system. Ms. Jordan stated that VDOT said the road "appears to be not much more than a driveway that serves approximately seven homes." Ms. Jordan stated that there is no homeowner's association to cover funding for Ms. Black's request.

Discussion ensued about the cost of the project. Without the available funds from a homeowner's association to assist with the cost, the Board could not consider Ms. Black's request, at this time.

No action was taken by the Board.

## RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

Letter from the National Endowment for the Humanities

#### RE: CALENDAR

The Board received copies of its calendar for the months of February, March, and April, 2011.

Ms. Jordan, reminded the Board of Supervisors about the worksession with the Planning Commission on Thursday, February 3, 2011, starting at 7 p.m.

## RE: CLOSED MEETING AUTHORIZATION

At 8:35 p.m., Ms. Pandak read the following resolution:

**WHEREAS**, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matters:

 One 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.); and

**WHEREAS**, pursuant to §§2.2-3711.A. 1, 3 and 7 VA Code Ann., such discussions 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 matters in Closed Meeting.

Mr. Burkett motioned, seconded by Mr. Goodwin to approve the closed meeting authorization resolution as presented.

#### RE: CLOSED MEETING CERTIFICATION

At 8:45 p.m., Ms. Pandak read the following resolution certifying the Closed Meeting:

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. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Closed Meeting Certification resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

# RE: ACTION FOLLOWING CLOSED MEETING

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to appropriate \$11,250 from the contingency fund to the Commonwealth Attorney's Office for salaries. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

# RE: RECESS

The Board took a short recess at 8:47 p.m. and reconvened at 8:55 p.m.

#### RE: BUDGET WORKSESSION

Julie Jordan, County Administrator and John Seig, Finance Director facilitated the budget worksession with the Board. Discussion ensued including: E-911 air conditioning system; consolidation of staff; capital improvement budget; airport; VRS Contributions; state funding reductions; schools budget; line of duty benefits and volunteer agencies budgets.

# RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 9:55 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.