

BOARD OF SUPERVISORS MINUTES

FEBRUARY 10, 2009

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, February 10, 2009 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Zack Burkett; Teri L. Pace. Also present: William C. Rolfe, County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Johnson moved, seconded by Mr. Goodwin and carried, to adopt the following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following Supplemental Appropriations:

| DEPT | ACCOUNT DESCRIPTION | AMOUNT | Funding Source |
|---------------------------------------|---------------------|----------------------|-----------------------|
| Sheriff | Forfeited Assets | \$ 328.50 | Forfeited Assets |
| Subtotal Sheriff | | \$ 328.50 | |
| Commonwealth Att | Forfeited Assets | \$ 36.50 | Forfeited Assets |
| Subtotal Commonwealth Attorney | | \$ 36.50 | |
| OFEMS | Training | \$ 8,205.00 | Revenue from training |
| Subtotal OFEMS | | \$ 8,205.00 | |
| Animal Shelter | Emergency Vet | \$ 1,089.84 | Donations |
| Subtotal Animal Shelter | | \$ 1,089.84 | |
| Total, This Request | | \$ 9,659.84 | |
| Fiscal Year to Date Total | | \$ 256,433.42 | |

RE: BUDGET TRANSFERS

The Board approved the following Budget Transfers:

| Transfer from department | Transfer from line item | Transfer to department | Transfer to line item | Amount | |
|--------------------------|-------------------------|------------------------|-----------------------|--------|---|
| Salary | Reserve for Raises | Sheriff | Salary | 295.50 | A |
| Salary | Reserve for Raises | Sheriff | FICA | 22.61 | A |
| Salary | Reserve for Raises | Sheriff | Retirement | 41.72 | A |
| Salary | Reserve for Raises | Sheriff | Group Life | 2.96 | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 2.93 | A |
| Salary | Reserve for Raises | Sheriff | Salary | 511.50 | A |
| Salary | Reserve for Raises | Sheriff | FICA | 39.13 | A |

| | | | | | |
|-------------|--------------------|----------------|------------------|-----------|---|
| Salary | Reserve for Raises | Sheriff | Retirement | 72.22 | A |
| Salary | Reserve for Raises | Sheriff | Group Life | 5.11 | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 0.69 | A |
| | | County | | | |
| Contingency | Contingency | Administration | Cable franchise | 67,911.65 | B |
| Parks and | | Human | | | |
| Rec. | Salaries | Resources | Employment Claim | 22,000.00 | C |

A Merit Increases for January

B Requested use of contingency for the cable franchise agreement

C Requested use of salary funds from parks and recreation to accommodate employment claim from that department.

RE: MINUTES

The Board approved the minutes of December 15, 2008 Budget Worksession as presented.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC APPEARANCES

RE: SERVICE AWARDS

The following employees were recognized for their dedicated service to Orange County: Theresa Carter – 5 years, Commonwealth Attorney’s Office; Tammy Corbin – 5 years, Commonwealth Attorney’s Office; Diana Wheeler – 5 years, Commonwealth Attorney’s Office; Jason Smith – 5 years, Sheriff’s Office; Donna Lucas – 5 years, Sheriff’s Office.

RE: VDOT UPDATE

Don Gore, Resident Engineer, updated the Board on current road projects in the County.

RE: PRESENTATION OF AUDIT FOR YEAR ENDED JUNE 30, 2008

David Foley, Auditor with Robinson, Farmer, Cox and Associates, made a brief presentation to the Board of the Audit for the fiscal year that ended June 30, 2008.

Chairman Frame thanked staff for a job well done.

RE: ACTION ITEMS

RE: WATER SERVICE DEED OF EASEMENT - TERMINAL BUILDING SITE

Peggy Miles, Airport Operations Manager, presented to the Board a proposed Deed of Easement between Orange County and the Rapidan Service Authority (RSA). Ms. Miles stated that execution and recordation of the Deed of Easement and plat is necessary for the water main extension to be installed with the construction of the parking lot for the future terminal building. She noted that the proposed deed and plat reflect all comments received to date from the County Attorney, the Virginia Department of Aviation, and Rapidan Service Authority.

Mrs. Pace confirmed that the proposed documents are for County owned land.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the RSA Deed of Easement and associated plat as presented and to authorize the County Administrator to execute and record the Deed. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: POSTPONEMENT OF REASSESSMENT

Mr. Rolfe stated that at its Budget Worksession on January 20, 2009, the Board requested that this item be added to the agenda for discussion. He explained that the proposed resolution changes the general interval for conduct of general reassessments of real estate to every six (6) years. He stated that the state requires action by the Board if reassessments aren't conducted every four (4) years.

Discussion ensued including: uniformity versus fair market value; the cost associated with reassessment; and whether six years is too long.

Mrs. Pace stated that cuts need to be made elsewhere so that citizens can get accurate assessments of their property.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt a resolution changing the interval for conduct of general reassessments of real estate to every five (5) years. Ayes: Burkett, Goodwin, Frame. Nays: Johnson, Pace.

RE: TAX BILL PREPARATION SERVICES

Mr. Rolfe explained that the Orange County Treasurer and Commissioner of the Revenue's office solicited proposals from qualified firms to design, print, presort, and mail the tax bills. A Request for Proposals (RFP) detailing the specifications was issued on December 19, 2008. He reported that the proposals were returned to the Finance Department with the costs ranging from \$13,938 to \$18,464 plus the cost of postage. Mr. Rolfe concluded by saying that is the recommendation of both Constitutional Officers to award the contract to Best Mailing Services Direct of Lynchburg, Virginia, in the amount of \$45,500 (\$13,398 plus \$31,500 for postage). He noted that there are sufficient funds appropriated and available in the current year to fund the proposed contract. Contingent upon Board approval, it is also recommended that the contract period be for three (3) years consisting of two (2) consecutive one (1) year terms.

Discussion ensued concerning whether this service could be done in-house. Phyllis Yancey, Treasurer, explained that neither her office nor Mrs. Chewing's office has the capacity to do this in-house.

Mr. Johnson moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute a contract between BMS Direct and Orange County. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: INFORMATION ITEMS

The following report was presented to the Board for its information:

- Treasurer's Report, as prepared by Phyllis M. Yancey, Treasurer.

RE: PENDING ITEMS

- Wireless Project
- Lighting Ordinance
- Noise/Nuisance Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of February, March and April 2009.

RE: BOARD COMMENT

Chairman Frame commented on his attendance at the Chairman's Institute in Richmond. He suggested that the minutes of the various Boards, Commissions and Committees be posted on the County website and a link to the respective Board, Commission or Committee, if available. He also requested that fellow Board members notify the other members if queries were received from media representatives. Mrs. Pace questioned if there were legal ramifications involved. Chairman Frame stated that the purpose of his request is to apprise Board members when a media outlet contacts them for comment or query on issues just as a "heads up" to the other members.

RE: CLOSED MEETING

At 5:00 p.m., Mrs. Pandak read the following resolution to authorize a Closed Meeting:

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

- Consultation with legal counsel regarding three (3) specific legal matters requiring the provision of legal advice; and

WHEREAS, pursuant to §2.2-3711.A.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 aforesated matters in Closed Meeting.

Mr. Johnson moved to approve the resolution. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:00 p.m., Mr. Johnson made a motion to adopt the following resolution:

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. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment.

Dwight Mottet, 215 Creekside Drive, Locust Grove, commented on the proposed Wilderness Walmart.

Mary Lou Seilheimer, 19180 Mt. Sharon Road, Orange, commented on local funding for the Boys and Girls Club in Orange.

RE: BOARD COMMENT

Mr. Burkett requested an amendment to the agenda to update the Board on a discussion that he and Mr. Goodwin had with representatives of the Gordonsville Little League, East Orange Little League, and the Booster Club.

Mr. Burkett moved to amend the agenda to add discussion item 7a – Update on Worksession with representatives of the Gordonsville Little League, East Orange Little League, and the Booster Club. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

Discussion ensued including: bringing all the leagues together to play on the fields; and current Booster management; and the primary purpose for Booster Park.

By consensus, the Board directed the County Attorney to review the lease agreement with the Orange County Boosters.

RE: PUBLIC HEARINGS

RE: PROPOSED TAX EXEMPT STATUS FOR THE ORANGE COUNTY FAIR ASSOCIATION, INC.

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Frame called the public hearing to order to receive comments on the following:

- Proposed Tax Exempt status, pursuant to §58.1-3651 VA Code Ann., for property owned by the Orange County Fair Association, Inc. tax map no 44-50, 100 acres residue of Emerson Electric Company DB 325 PG 465.

For 2009 the assessed value of the real property for which the exemption is sought will be \$1,000,000. No tangible personal property of the Orange County Fair Association was assessed in 2008. No 2008 County real estate taxes were assessed against the subject real property because it was not a separate lot. The approximate value of County real estate taxes for 2008 on this parcel would have been \$4,700; no real estate taxes have yet been assessed on the property for 2009.

Mr. Rolfe stated that a letter had been received from the Orange County Fair Association, Inc. requesting to be considered for real and personal property tax relief on property located on Old Gordonsville Road (identified as Tax Parcel 44-50). He commented that the proposed request has a zoning issue similar to the Civil War Battlefield Trust which would include a Board initiated rezoning of the property.

Keith O'Connor, President of the Orange County Fair Board, briefly explained the acquisition of the property. He stated that the current zoning on the property is General Industrial, which limits the allowable uses. Therefore, they would like for the property to be rezoned to Agricultural to allow for the County Fair and other activities as well.

Chairman Frame opened the floor for public comment at 7:38 p.m. There being none, the public hearing was closed.

Mrs. Pace moved, seconded by Mr. Burkett and carried, to direct staff to schedule a public hearing on the rezoning of property owned by the Central Virginia Battlefield Trust and the Orange County Fair Board Association, Inc. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

Chairman Frame clarified that the vote for tax exemption status would be deferred until after the public hearing on the rezoning of the property.

RE: PROPOSED AMENDMENT TO THE PARKING ORDINANCE

Chairman Frame called the public hearing to order at 7:45 p.m. to receive comments on the following:

- Proposed Parking Ordinance – amendment to §62-80 of the Orange County Code of Ordinances to change the local administrative official from the Treasurer to the Sergeant of the Patrol Division of the Orange County Sheriff’s Office and make other administrative changes consistent with that revision.

Mrs. Pandak explained that, per the Board’s request, she had drafted amendments to Section 62-80, to modify the parking ordinance to reflect the actual process for payment of and challenges to fines for parking citations. She noted that the proposed changes have been reviewed by the Treasurer and Sheriff’s Office.

Phyllis Yancey, Treasurer, commented on the number of fines that have been paid to date.

Chairman Frame opened the floor for public comment at 7:59 p.m. There being none, the public hearing was closed.

Mrs. Pace suggested that the word “summons” be changed to “citation”.

Following a brief discussion, Mrs. Pace moved, seconded by Mr. Goodwin and carried, to approve the amended parking ordinance as revised. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 8:02 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.