

BOARD OF SUPERVISORS MINUTES

February 22, 2011

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, February 22, 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, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie G. Jordan, 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 modified.
Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Library	Data processing services	\$ 3,150.00	Verizon E rebate program
Subtotal Library		\$ 3,150.00	
Animal Shelter	Emergency Vet Fund	\$ 885.00	Donations
Animal Shelter	Vaccinations	\$ 390.00	Donations
Animal Shelter	Microchip ID	\$ 2,000.00	Donations
Subtotal Animal Shelter		\$ 3,275.00	
Total this request		\$ 6,425.00	
Total Year to Date		\$ 206,075.46	

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
Contingency	Contingency	Board of Supervisors	Donations	630.72

Previously approved Board items for Contribution Requests to Habitat for Humanity.

RE: MINUTES

The Board approved the following minutes:

- January 11, 2011, regular minutes
- January 25, 2011, regular minutes

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

RE: CLOSED MEETING AUTHORIZATION

At 7:05 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 (1) matter of acquisition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board (§2.2-3711.A.3 VA Code Ann.);
- One (1) matter of consideration of investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (§2.2-3711.A.6 VA Code Ann.);
- Two (2) matters of legal advice or probable litigation, where consultation in open meeting would adversely affect the posture of the County (§2.2-3711.A.7 VA Code Ann.);
- *Friends of Wilderness Battlefield, et al., v. Board of Supervisors, et al* , and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);
- *Board of Supervisors v. King's Remodeling, et al.*, and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 3, 6 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 aforesated matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:29 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.

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

RE: REDISTRICTING PUBLIC COMMENT

Chairman Frame opened the floor for public comment on Redistricting at 7:30 p.m. There being no speakers at this time, public comment period was closed.

Ms. Jordan commented on the worksession scheduled for March 8, 2011, at 7:30 p.m. to discuss redistricting. The Board agreed to have a public input session on the March 22, 2011 meeting.

Supervisor Burkett commented on the letter of redistricting that Chairman Frame wrote for the Lake of the Woods newsletter (Lake Currents) and available on the Orange County Website. He praised the content of the letter for thoroughly explaining the redistricting process.

Discussion ensued about the proposed district lines and the population of proposed district lines.

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. There being none, public comment was closed.

RE: OFFICE ON YOUTH QUARTERLY REPORT

Alisha Vines, Office on Youth Director, updated the Board on the status of projects and activities in the Office on Youth department for the past quarter.

Supervisor Abbs asked about the process of updates to the Board by the Department Directors. Ms. Jordan explained that she picks the Departments to give quarterly reports based on their financial basis or importance to the organization and that it was also good exposure for the Department Directors.

Supervisor Abbs requested that Karen Epps, Economic Development Director, give the next report to the Board. Ms. Jordan agreed and said that Mrs. Epps was on the list to do so.

RE: BOARD COMMENT

Supervisor Goodwin commented on the newspaper article, concerning redistricting. He stated that the comments made were unfair and unfounded. He stated that the Board has allowed enough open public sessions for discussion on the matter, before and after.

He also commented on the Big Box ordinance and how he was accused of having a "knee-jerk reaction" to it, which he states is not the case. He explained that he has been fighting to dissolve the ordinance for two years and has not been successful and felt that it was time to move on.

Supervisor Burkett stated that he was fascinated by the comments from citizens that they felt they could gain better public access to a redistricting committee than their own Supervisor, who will be voting on the plan. He stated that he was confused and he noted that the Supervisors have publicly said that if you have questions about the plan to contact them.

RE: ACTION ITEMS

RE: VIRGINIA OUTDOORS FOUNDATION EASEMENT REQUEST

Gregg Zody, Planning Director, explained to the Board that the Virginia Outdoors Foundation will be considering an Easement Request from Bobbi and Teri Pace, Tax Map No. 48-47, and they have asked the County for a determination as to whether the request is consistent with the County's Comprehensive Plan.

Mr. Zody explained to the Board that upon investigation of the property and the County's guidelines the Easement is consistent with the County's Comprehensive Plan.

By consensus, the Board authorized staff to notify the Virginia Outdoors Foundation confirming that the placement of Tax Map No. 48-47 (96.69 acres) under easement is consistent with the County's Comprehensive Plan.

RE: AIRPORT FUEL SALES

Kurt Hildebrand, Public Works Director, stated that staff is requesting \$97,000 be added to line item 504-081700-6015 due to an increase in fuel sales. He asked the board for their permission to transfer the money to allow them to continue to do business at the Airport. He stated that the increase in fuel consumption was due to Mr. Buzz Jarrell, Airport Manager, who was doing an excellent job in managing the Airport and increasing sales of fuel.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize \$97,000 to be added to Line Item 504-081700-6015, from Airport Fund Reserves. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: OFFICE DEPOT CONTRACT

John Sieg, Interim Finance Director, informed the Board that the County's office supplies contract with Office Depot expired on December 31, 2010, and that Staff recommends that the County enter into a new contract with Office Depot through The Cooperative Purchasing Network (TCPN) cooperative agreement.

Mr. Sieg explained that staff reviewed other alternatives and looked at the relationship that the County had with Office Depot. He stated that Office Depot's pricing was very competitive and their delivery time was excellent. He stated that the recommendation from staff was to renew the contract with Office Depot.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to enter into a contract with Office Depot for the procurement of office supplies as needed through the cooperative purchasing agreement available from The Cooperative Purchasing Network. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CONTRACT WITH INDEPENDENT AUDITORS

John Sieg, Interim Finance Director, stated to the Board that the County's contract with its independent auditors, Robinson, Farmer, Cox Associates, expired with the recent completion of the June 30, 2010, audit and Comprehensive Annual Financial Report. Mr. Sieg informed the Board that after the RFP was issued, four proposals were received and after the review and interview process with a committee, it was unanimously recommended that Brown, Edwards and Company, LLP be the County's next independent auditors.

Mr. Sieg explained that Brown, Edwards and Company, LLP, was slightly more expensive than the other Companies they reviewed, but the Committee felt the Company would

deliver more value in the terms of analysis and recommendation's to staff.

Chairman Frame asked Mr. Sieg, to explain the extra services that the County would be receiving, and he asked if those services were included in the price of the contract.

Mr. Sieg explained that they go beyond just a recommendation of the County's financial analysis. He stated that they provide a multi page document that analyzes the County's financial trends, and have a Certified Information Technology Auditor Consultant on staff who provides a real analysis of the County's Information Technology systems and controls, and give their recommendations based on that analysis. He stated that the extra services were included in the cost of the contract.

Supervisor Burkett, asked Phyllis Yancey, Treasurer, if she had any comments to add to the subject. Mrs. Yancey explained that they were seeking to find a firm for the new fiscal year, whether it be a new firm or not. She wanted to thank Robinson, Farmer and Cox for their financial service to the County, and she stated how they have done an excellent job for the County, in the past.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to authorize the County Administrator to enter into a contract with Brown Edwards and Company, LLP, for professional auditing services, beginning with the Fiscal Year ending June 30, 2011, and at an initial contract price of \$51,750. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: SUPPLEMENTAL APPROPRIATION FOR COMPREHENSIVE SERVICES ACT

John Sieg, Interim Finance Director, provided the Board with information from Letitia Douthit, Comprehensive Services Act Program Coordinator, explaining that the County's CSA Program is experiencing a dramatic increase in case load and the level of services to be provided and will need a substantial supplemental appropriation of funds to support it.

Chairman Frame asked for an explanation of the program and the funds being requested. Mr. Bob Lingo, Social Services Director, and Letitia Douthit explained the program and the funds that they were requesting. They invited the Board to attend the meetings of the Family Assessment Planning Team (FAPT) and the Community Policy and Management Team (CPMT).

Discussion ensued including: mandated members; number of children being serviced; success rate; budgeted amounts; requirements; referral process; foster care costs; who mandates children into the program; Child in Need of Services (CINS); no substitution for good parenting; adult protective services and early intervention.

Supervisor Goodwin commented that he would like to have a monthly update of the program. Chairman Frame thanked Mr. Lingo and Ms. Douthit for attending the meeting and for explaining the program to the Board.

Mr. Goodwin moved, seconded by Mr. Frame and carried, to appropriate an additional \$982,986 to the County's Comprehensive Services Act program funded with an additional \$675,293 in federal and state reimbursements, \$307,693 in local funds, \$303,809 from the Contingency Reserve and \$3,884 from the General Fund Unreserved Fund Balance. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: WORKFORCE INVESTMENT BOARD (WIB) PROPOSED SATELLITE CENTER –
REVISED MEMORANDUM OF UNDERSTANDING

Karen Epps, Director of Economic Development, provided the Board with a revised draft Memorandum of Understanding with the Culpeper Career Resource Center, for the establishment

of a Workforce Investment Board (WIB) Satellite Center in Orange for their consideration.

Mrs. Epps stated that there was a date change made to the Memorandum of Understanding for the opening of the Satellite Center. She explained the date changed from March 1, 2011 to April 1, 2011, with an ending date of March 30, 2012.

Ms. Epps explained to the Board that she spoke with the Culpeper Career Resource Center about keeping track of the clients who visited the Satellite Center. She stated that the Culpeper Resource Center have their own trained staff that will be keeping records of all of the clients who visit the Center.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the revised Memorandum of Understanding with the Culpeper Career Resource Center, as presented, for the establishment of a Workforce Investment Board (WIB) Satellite Center in Orange. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: WATCH FOR CHILDREN SIGNAGE REQUEST

Supervisor Goodwin explained that he requested VDOT to do a study for his constituents on a section of road from Rt. 617 coming from Rt. 20 to Williams. He explained that when he received the study from VDOT he noticed they had used the wrong road for the study.

He stated that he requested VDOT to re-do the study to the correct road, and he is awaiting those results. In the meantime, he spoke with one of the representatives of VDOT and they suggested the Board post a "Drive Slow Children At Play" sign on Route 617 to help slow the traffic. He requested the Board's support for the sign and stated that it will help his constituents until they receive the new results of the study from VDOT.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt the following resolution:

RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS
DRIVE SLOW CHILDREN AT PLAY SIGN - ROUTE 617

WHEREAS, the Orange County Board of Supervisors has received a request to post "Drive Slow Children at Play" signage for Route 617 in Orange County; and

WHEREAS, Route 617 is a public road that serves the residents of Orange County; and

WHEREAS, high volumes of traffic, traveling at high rates of speed, utilizing Route 617 pose significant safety concerns due to the presence of children and the residential character of the road in general; and

WHEREAS, funds are available for this project under the Department of Transportation's Secondary System Construction Allocation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County hereby formally request that the Virginia Department of Transportation post "Drive Slow Children at Play" signs on Secondary Route 617, utilizing funds available from the Department of Transportation's Secondary System Construction Allocation for Orange County. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: RESOLUTION RATIFYING DECLARATION OF STATE OF EMERGENCY
Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adopt the following resolution:

WHEREAS, beginning on February 14, 2011, Orange County was threatened by wildland fires due to high winds and extremely dry conditions; and

WHEREAS, on February 14, 2011, local fire fighting resources were being deployed to surrounding counties to control wildland fires; and

WHEREAS, on Thursday, February 14, 2011, pursuant to § 44-146.21 VA Code Ann., the Chairman of the Board of Supervisors, as the local Director of Emergency Management and, after consultation with the County Administrator, declared a state of emergency in the County. It was apparent that the effects of the possible brush fires could result in substantial injury or harm to the population and property in Orange County and in order to activate the local Emergency Operations Plan to immediately address this emergency; and

WHEREAS, the Emergency Management Coordinator recommended that a state of emergency be declared; and

WHEREAS, an end to the state of emergency was declared at four o'clock in the afternoon on Thursday, February 14, 2011;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 44-146.21 VA Code Ann., the Orange County Board of Supervisors does hereby ratify the declaration of a state of emergency for the period from Thursday, February 14, 2011 through eight o'clock in the morning, on Thursday, February 15, 2011; and be it

FURTHER RESOLVED that the Board of Supervisors does hereby also ratify the end of the declared state of emergency as of eight o'clock in the morning, on Thursday, February 15, 2011; and be it

FURTHER RESOLVED that the Board of Supervisors authorizes application to the State and/or Federal government for reimbursement of qualifying expenditures made by qualifying entities during the state of emergency; and be it

FINALLY RESOLVED that the Board of Supervisors expresses its sincere appreciation to its employees and other persons who assisted with addressing this emergency in Orange County.

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

RE: TABLING LARGE RETAIL USE ORDINANCE
Supervisor Burkett stated that he is still in favor of the Large Retail Use Ordinance, but he would like to table the matter until the next board meeting.

The County Attorney informed the Board that the Planning Commission had already scheduled a public hearing for the Large Retail Use Ordinance and that the advertisements for that public hearing were already satisfied.

Supervisor Burkett withdrew his motion to table the Large Retail Use Ordinance.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
Mr. Wilson nominated Margee McCord to serve as the District Four Representative, on the Orange County Youth Commission for a four-year term, with said term expiring on September 30, 2014.

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

RE: DISCUSSION ITEMS

RE: UPDATE ON DOG TAG FEES: SHARON PANDAK, COUNTY ATTORNEY

Ms. Pandak explained that the Board asked her to research the consideration of amending its ordinance in order to allow payment of Dog Tag fees on a three-year basis. She commented that the Board has the authority to change the ordinance, and she suggested that the Board amend the license fees in order to amend the ordinance.

Ms. Pandak stated that under the State Code, it is acceptable to have the license fees collected for the time of the rabies inoculations, and the outside period for that would be three years. She explained that the Board would have to identify what the fee would be for each one of those years. She explained that the maximum the Board could charge would be \$10.00 per year and up to a \$30.00 for a three year license. Ms. Pandak asked the board for direction on what the charges would be for spayed and non-spayed animals.

Chairman Frame commented that it should stay the same, which is \$5, \$10 and \$15 for spayed and \$10, \$20 and \$30 for non-spayed animals. He stated that the incentive is being able to purchase them on a three-year basis.

Mr. Burkett moved, seconded by Mr. Wilson and carried, to adopt the following resolution as presented:

AUTHORIZE PUBLIC HEARING ON PROPOSED AMENDMENT TO ANIMALS

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed amendments to Chapter 6 of the County Code. Animals. § 6-113: Amount of license tax;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing to consider adoption of the attached proposed § 6-113 of the County Code.

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

RE: RESOLUTION FOR FIREFIGHTERS AND EMS IN RESPONSE TO HIGH WINDS

Supervisor Goodwin commended the Firefighters, EMS and the E-911 team for an outstanding job responding to the Declared State of Emergency, for the high winds, that occurred on February 19, 2011. He felt that staff should draft resolutions of appreciation to present to the responders at the next regular board meeting.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to direct staff to prepare resolutions of appreciation for emergency response to the recent high wind event.

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

RE: RECESS

The Board recessed at 9:10 p.m. for a short break and reconvened at 9:17 p.m.

RE: DUTIES OF STAFF AND BOARD MEMBERS

Supervisor Burkett commented on a meeting that took place between the Chairman and some of the staff members about an on-going litigation matter that not everyone on the Board briefed. He stated that staff explained that there was some resolution to the matter, but he wanted to express his concern about the way the Chairman and staff handled the situation and how it made certain members of the Board look bad. He stated that he thought it was the responsibility of staff to keep all of the board members informed of such matters and asked for an explanation of the policy on matters such as this.

Chairman Frame made a statement that he felt it was the judgement of the Chairman to make those decisions.

Mr. Burkett made a statement "that he was voted Chairman not Emperor".

Chairman Frame commented by saying that the Chairman should be able to decide what information is confidential and when it is appropriate to release the information. He stated he felt it was the correct thing to do.

Supervisor Burkett explained that Chairman Frame held the meeting knowing that the other side received more detail. He stated that he questioned the Chairman's judgement on the matter.

Chairman Frame commented on Mr. Burkett's right to question his judgement, although he did not agree with it, he did acknowledge that it was his right to dispute it.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- a. Letter from Department of Environmental Quality – Application of Biosolids
- b. Central Virginia Regional Jail Proposed FY12 Budget
- c. Letter from Department of Environmental Quality – North Anna Power Station
- d. Letter from the Department of the Army

Ms. Jordan commented that the Central Virginia Regional Jails (CVRJ) proposed budget will be voted on in the next couple of weeks.

Chairman Frame gave the Board an update on the status of the Central Virginia Regional Jail's budget and other proposed projects.

RE: CALENDAR

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

Ms. Jordan commented on the proposed date of May 24, 2011 at 4:00 p.m. for the ribbon cutting ceremony for the Orange County Workforce Center opening.

The Board cancelled the Budget Worksession scheduled for February 24, 2011.

RE: CLOSED MEETING AUTHORIZATION

At 9:35 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 (1) matter of acquisition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board (§2.2-3711.A.3 VA Code Ann.);
- One (1) matter of consideration of investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (§2.2-3711.A.6 VA Code Ann.);
- Two (2) matters of legal advice or probable litigation, where consultation in open meeting would adversely affect the posture of the County (§2.2-3711.A.7 VA Code Ann.);
- *Friends of Wilderness Battlefield, et al., v. Board of Supervisors, et al* , and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);
- *Board of Supervisors v. King's Remodeling, et al.*, and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 3, 6 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 aforesated matters in Closed Meeting.

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

RE: CLOSED MEETING CERTIFICATION

At 9:59 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.

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

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 10:00 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.