

**BOARD OF SUPERVISORS MINUTES**

**FEBRUARY 24, 2009**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, February 24, 2009 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; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Teri L. Pace; Zack Burkett. Also present: William C. Rolfe, County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

**RE: ADOPTION OF AGENDA**

Mr. Johnson 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:

| <b>DEPT</b>                      | <b>ACCOUNT DESCRIPTION</b> | <b>AMOUNT</b>         | <b>Funding Source</b> |
|----------------------------------|----------------------------|-----------------------|-----------------------|
| Airport Fund                     | State Grant                | \$ (22,819.00)        | Perimeter Fence       |
| <b>Subtotal Airport</b>          |                            | <b>\$ (22,819.00)</b> |                       |
| Animal Shelter                   | Vaccinations               | \$ 1,170.00           | Donations             |
| <b>Subtotal Animal Shelter</b>   |                            | <b>\$ 1,170.00</b>    |                       |
| <b>Total, This Request</b>       |                            | <b>\$ (21,649.00)</b> |                       |
| <b>Fiscal Year to Date Total</b> |                            | <b>\$ 234,784.42</b>  |                       |

**RE: BUDGET TRANSFERS**

The Board approved the following Budget Transfers:

| <b>Transfer from department</b> | <b>Transfer from line item</b> | <b>Transfer to department</b> | <b>Transfer to line item</b> | <b>Amount</b> |   |
|---------------------------------|--------------------------------|-------------------------------|------------------------------|---------------|---|
| Salary                          | Reserve for Raises             | Sheriff                       | Salary                       | 143.75        | A |
| Salary                          | Reserve for Raises             | Sheriff                       | FICA                         | 11.00         | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Retirement                   | 20.30         | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Group Life                   | 1.44          | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Workers Comp                 | 2.47          | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Salary                       | 390.42        | A |
| Salary                          | Reserve for Raises             | Sheriff                       | FICA                         | 29.87         | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Retirement                   | 55.12         | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Group Life                   | 3.90          | A |
| Salary                          | Reserve for Raises             | Sheriff                       | Workers Comp                 | 6.71          | A |

|        |                    |         |              |        |   |
|--------|--------------------|---------|--------------|--------|---|
| Salary | Reserve for Raises | Sheriff | Salary       | 525.25 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 40.19  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 74.17  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 5.25   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 0.71   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 307.50 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 23.53  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 43.42  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 3.08   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 0.41   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 148.75 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 11.38  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 21.00  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 1.49   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 2.55   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 223.33 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 17.08  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 31.53  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 2.23   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 3.84   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 453.75 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 34.71  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 64.07  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 4.54   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 7.80   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 229.58 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 17.56  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 32.42  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 2.30   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 3.95   | A |
| Salary | Reserve for Raises | Sheriff | Salary       | 135.83 | A |
| Salary | Reserve for Raises | Sheriff | FICA         | 10.39  | A |
| Salary | Reserve for Raises | Sheriff | Retirement   | 19.18  | A |
| Salary | Reserve for Raises | Sheriff | Group Life   | 1.36   | A |
| Salary | Reserve for Raises | Sheriff | Workers Comp | 0.18   | A |

A Merit Increases for February

RE: MINUTES

The Board approved the following minutes as presented:

- January 13, 2009 Regular Meeting; and
- January 20, 2009 Budget Worksession.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. The following individuals spoke:

- Ed Harvey, 10078 Jacksontown Road, Somerset, commented on local funding for the Arts Center in Orange;
- Helen Marie Taylor, 16823 Monrovia Road, Orange, commented on local funding for the James Madison Museum;
- George Shifflett, Orange, commented on the Orange County Boosters; and
- Bob Coiner, Mayor of the Town of Gordonsville, commented on the Exchange Hotel and Gordonsville pool.
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RE: AIRPORT TERMINAL UPDATE

Adam Switzer, Engineer for Delta Airport Consultants, Inc. and Rohn Price, Architect for Evolve Architecture, updated the Board on the re-design of the proposed new airport terminal building.

RE: ELECTORAL BOARD

Marty Caldwell, Electoral Board Vice-Chairman, commented on the need for an Election Management Officer in the Office of the Registrar. Chairman Frame told Ms. Caldwell that the Board would take her request under advisement and would further discuss the issue during the budget process.

RE: BOARD COMMENT

Supervisor Pace commented on the hours of operation at the collection sites and possibly extending the hours at the Unionville location.

RE: ACTION ITEMS

RE: MUTUAL AID AGREEMENT BETWEEN ORANGE COUNTY AND LOUISA COUNTY

April Clark, E911 Center Manager, explained that the Orange County E911 Center, Madison County Sheriff's Office and the Louisa County Sheriff's Office are currently working on a Back-Up project. Mrs. Clark stated that the project ensures that the three localities will operate as a back-up Public Safety Answering Point (PSAP) should a center need to be evacuated or should another emergency arise. She reported that the County entered into a Mutual Aid Agreement with Madison County on October 11, 2005 and it is requested that the County do the same with Louisa County. The proposed agreement will ensure proper handling of all calls and deployment of needed staff during times of emergencies if/when the respective center would need to be evacuated.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to accept the Mutual Aid Agreement as written and authorize Orange County to enter into an agreement with Louisa County as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: MIDDLE SCHOOL CONSTRUCTION PROJECT MANAGER

Karen Karasinski, Finance Director, explained that a project manager has been employed by the Orange County School System to oversee the construction of the new middle school. Funding for the project manager position is an allowable use of bond proceeds and was a planned project cost. Mrs. Karasinski stated that the Project Manager's actual salary will be paid from the School Operating Fund with a reimbursement of bond proceeds from the School Operating Fund. She concluded by saying that the fiscal year 2009 budget for the School Operating Fund did not include an appropriation for the salary or a transfer (bond proceeds) from the School Capital Project Fund, therefore a budget amendment is necessary.

Mr. Goodwin moved, seconded by Mr. Frame and carried, to amend the School Operating Fund by recognizing a \$100,000 transfer from the School Capital Project Fund and appropriating it to Operations and Maintenance category for the salary and benefits of the Project Manager. Ayes: Johnson, Goodwin, Frame. Nays: Pace. Abstain: Burkett.

RE: WIRELESS BROADBAND MAINTENANCE AGREEMENT RENEWAL

Vanetta Pledger, Information Technology Director, explained that Advanced Network Systems (ANS) installed and configured the County's Voice over Internet Protocol (VoIP) phone system and the wireless broadband network. The original contract had an option to allow ANS to maintain the system. Ms. Pledger stated that proposed contract provides continued support of the wireless system which includes wireless radios, switches, firewalls, and VoIP equipment. Ms. Pledger reported that the quoted price for the Wireless system is \$33,112.50 which includes: four (4) tower climbs and replacement of the radio(s); \$7,196.94 for the VoIP phone system; \$1,773.60 for 22- 3Com switches; and \$3,980 for four (4) firewalls. Ms. Pledger made the Board aware that the quoted cost is reasonable based on the life cycle costs established in the original agreement and that contingent on budget approval, it is also recommended that the period would be for 3 years consisting of two consecutive one year terms. She concluded by saying that the Information Technology Department has sufficient funds appropriated and available in the FY09 budget for the maintenance renewal; therefore, staff recommends acceptance of the contract.

Discussion ensued including: service rates for holidays and remote support; and fees that are covered by the Maintenance Agreement.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to authorize the County Administrator to issue a change order that provides for a 3 year contract that has two optional years with ANS for maintenance of the wireless system. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ORANGE COUNTY FAIR ASSOCIATION, INC. REZONING

David Grover, Director of Community Development, explained that recent discussions involving the Orange County Fair Association's 100 acre parcel (Tax Map #44-50A), located along Old Gordonsville Road (Route 647), have led Keith O'Connor, President of the Orange County Fair Board, to provide a written request for an amendment to the Comprehensive Plan - Future Land Use Map, along with a Board of Supervisor initiated rezoning. Mr. Grover stated that in order for the County Fair and associated activities to be held on the proposed property, a rezoning from the current General Industrial (I-2) to Agricultural (A) is necessary and a Special Use Permit will be required, once the rezoning has been approved. He reported that, currently, the subject parcel of land is designated on the Future Land Use map for Economic Development, a designation not consistent with Agricultural zoning. Therefore, while staff supports the rezoning, it is recommended that the Future Land Use map first be amended to reflect an Agricultural designation, prior to the rezoning to Agricultural so that actions by the Board are consistent with the adopted Comprehensive Plan.

Discussion ensued including: the need for the Land Use Map to correspond with the Comprehensive Plan; the need for consistency; and amending the Zoning Ordinance to avoid future challenges.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve a resolution to initiate rezoning of property owned by the Orange County Fair Association, Inc. (TM #40-50A) as amended. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PETSMART CHARITIES GRANT ACCEPTANCE

Mr. Rolfe explained that the Orange County Animal Shelter previously submitted an application for grant funds to Petsmart Charities to cover the cost of re-surfacing the kennel floors as mandated by the Virginia State Department of Agriculture. He reported that Petsmart Charities has accepted the grant application for the maximum amount of \$16,290. This represents 100% of the estimated expenditures associated for the proposed project based on the lowest bid received with no local funding required.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to accept the PetSmart Charities grant in the amount of \$16,290 and appropriate said funds to Repair and Maintenance to Animal Shelter (4.100.35200.3310); and thank Beth Hamilton, Animal Shelter Director, for a job well done. The Board further authorized the Animal Shelter to proceed with the kennel resurfacing project based on the procurement policy requirements. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REQUEST FOR ADDITIONAL FUNDS

Karen Karasinski, Finance Director, explained that at its meeting on October 28, 2008, the Board authorized the County Administrator to execute a contract with Greehan, Taves, Pandak & Stoner, PLLC, to provide legal services to the County of Orange following the resignation of the County Attorney. She stated that the projected cost of the proposed contract for fiscal year 2009 is \$300,000. She reported that, after calculating the savings from the vacancy in the County Attorney department, only \$79,265 is available, which will leave a shortfall of \$220,735. Mrs. Karasinski stated that, currently, the contingency fund has a balance of \$202,826.65. She concluded by saying that staff is requesting authorization to transfer the balance of the contingency fund to the Professional Services line of the County Attorney department to fund the projected contract cost. Mrs. Karasinski noted that, if approved, the contingency fund will have no available funds and that there will be a remaining shortfall of \$17,908.35 for projected attorney fees which will need to be addressed.

Mr. Johnson moved, seconded by Mr. Burkett and carried, to transfer contingency funds in the amount of \$202,826.65 (4.100.12215.3310) to the Professional Services line in the County Attorney Department (4.100.12215.3310). Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: FISCAL YEAR 2009 BUDGET

Karen Karasinski, Finance Director, explained that as part of the fiscal year 2010 budget process, Constitutional Officers and Department Directors were asked to review their current (fiscal year 2009) budgets for savings. She reported that this effort resulted in a savings of \$797,206 for the current year. Mrs. Karasinski reported to the Board that the following items require an increase in appropriations and noted that the Board had authorized a previous item on the attend leaving the contingency fund balance at zero: increase for the Regional Jail (\$16,085), increase in bank fees paid by the Treasurer (\$20,000); Comprehensive Services Program (\$128,414), expert witness fees (\$7,500); projected attorney fees not covered by the contingency fund (\$17,908.35); and the \$0 contingency fund balance, for a total of \$189,907.35.

Discussion ensued including: the need for a contingency fund and the repercussions of not having a contingency fund; the need for additional supplemental appropriations; and accessibility to additional funds. Mr. Rolfe briefly explained the process for accessing funds from the Fund Balance.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to decrease General Fund appropriations and other funds receiving contributions from the General Fund in the amount of \$579,883.65 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Johnson nominated Jim White for reappointment to the Health Center Commission of Orange County, Virginia as an At-large representative for a four year term, with said term expiring March 30, 2013.

Mrs. Pace nominated Tom Bundy for reappointment to the Orange County Planning Commission as a District Four representative for a four year term, with said term expiring April 30, 2013.

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

RE: DISCUSSION ITEMS

RE: SOLID WASTE – SODERQUIST CONTRACT

Kurt Hildebrand, Director of Public Works, stated that R. M. Soderquist was hired by Orange County in 2007 to provide the necessary personnel and equipment for operation of the working face of the sanitary landfill. During that time, they have made clear and obvious improvements to the facility. The landfill is fully compliant with all Virginia Department of Environmental Quality (DEQ) standards and regulations. Mr. Hildebrand explained that in an attempt to clarify areas of responsibility, Soderquist was asked to provide a fee schedule for assuming all landfill tasks currently performed by the County, with the exception of operation of the scales. After careful consideration, it became evident that the County could remove the concerns regarding scope of responsibility and at the same time reduce overall costs of operating the landfill. Mr. Hildebrand stated that when considering this issue, it was clear that what began as an attempt to clarify roles and responsibilities became an opportunity to evaluate operational processes. The result is a proposal that reduces the annual cost for operating the landfill while enhancing efficiency in an environmentally friendly way. However, it also results in the reduction of County staff at a time when employment opportunities are scarce, but must be considered in the cost/benefit analysis. He concluded by saying that there are clear advantages should Soderquist assume the additional tasks including: cost of materials (stone and storm water piping); management of the brush, metal, white goods and tires; and their proposal to cease burning of brush but will grind the material instead, resulting in mulch that can be reused and/or sold.

Mrs. Pace questioned whether the County would be receiving a refund for the additional funds that were granted to cover rising fuel prices since the costs have decreased. Mr. Hildebrand stated that Soderquist performed intermediate cover at the landfill at no charge. So, the County did get its money's worth. Mr. Burkett stated that he was not in a position to take action as he had received concerns and complaints regarding the reduction in staff and alleged issues with Soderquist. He would like additional time to talk to his constituents and get clarification of their concerns.

Chairman Frame requested that Mr. Burkett send a list of his constituents concerns to the County Administrator for distribution to the other Board members. He stated that the sooner the issues are resolved, the sooner the County can realize the cost savings as proposed.

RE: LEGISLATIVE BILLS HB1788 AND SB1276

Mrs. Pace stated that the Board previously discussed adopting a resolution regarding proposed mandates relating to the regulation of septic systems. She suggested that it be sent to the local legislators and other localities in the State.

Discussion ensued including: sending too much information to the legislators; and reserving resolutions for major issues. Mrs. Pandak stated that there is not much action left on the bills by the General Assembly.

Mrs. Pace commented on the Governor's Budget concerning natural resources and converting the Water Quality Improvement Fund balances to debt of pending federal stimulus funding. Concerns were raised regarding the Town of Orange sewage treatment plant and possible loss of grant funds for this project. Mr. Rolfe requested the Board's permission to contact legislators via email expressing concern for the Town of Orange since they have executed a contract for the plant and that they will need the grant funds for this project. By consensus, the Board authorized the County Administrator to proceed with notification to the local legislators.

RE: ADVERTISEMENT OF AGENDA

Mr. Rolfe stated that, as a courtesy to the citizens in the County, staff advertises the Board of Supervisors agendas in the Orange County Review. Last year, \$4,957.80 was spent on agenda advertisements. He stated that public hearings are required to be advertised and that will continue to be done. He reported that the County is not required to advertise agendas in the newspaper. Mr. Rolfe noted that Mrs. Curry maintains an email listing of individuals who have requested notification of the Board's agenda and that the complete agenda, including corresponding documentation, is posted on the County website for public review.

Mrs. Pace voiced concern for individuals who don't have computer access. Mr. Rolfe stated that a copy of the agenda will be posted in the lobby of the Gordon Building and at each branch of the public library.

By consensus, the Board authorized staff to cease advertisements of the Board's agenda in the newspaper, effective immediately.

RE: HABITAT FOR HUMANITY PLANNING GRANT APPLICATION

Mr. Rolfe stated that on November 13, 2007, the Board authorized staff to submit a planning grant to the Department of Housing and Community Development on behalf of the Habitat for Humanity. Mr. Rolfe stated that staff is ready to move forward with the grant application, but since the action was taken by a previous Board he wanted to reaffirm authorization to proceed.

Discussion ensued including: the number of units proposed for the neighborhood; concerns with setting up a remote neighborhood and sabotaging the success of Habitat for Humanity by creating a separate community; and why the grant had not already been submitted. Mr. Rolfe stated that only a certain number of applications are accepted each year.

By consensus, the Board requested that this item be added to the March 10, 2009 agenda for further discussion. Chairman Frame asked Mr. Rolfe to invite representatives from Habitat for Humanity to the meeting.

RE: COMPOSITION OF THE ORANGE COUNTY PLANNING COMMISSION

Mr. Burkett stated that the Board previously discussed downsizing the Planning Commission. He indicated that each Board member had received a memo from Mrs. Pandak concerning the process for changing the composition of the Planning Commission.

Discussion ensued including: the current size of the Planning Commission, leaving the Commission as is; and the role of the Planning Commission.

By consensus, the Board authorized staff to add this item to the July 14, 2009 agenda for further discussion.

RE: BARBOURSVILLE RURITAN

Mr. Johnson stated that he had been advised by Tom Czelusta, attorney for the Barboursville Ruritans, that the current lease agreement will be expiring in August, 2009. He wanted to confirm the Board's intention to continue with the lease.

Discussion ensued including: the length of the lease; termination notice; and building maintenance.

By consensus, the Board directed Mrs. Pandak to work with Mr. Czelusta on updating the Barboursville Ruritans lease agreement.

RE: CHESTNUT HILL

Chairman Frame stated that he had received a letter from the Department of Historic Resources regarding the National Register of Historic Places for Chestnut Hill requesting comment on its inclusion in the Virginia Landmarks Register. He gave a brief history of the dwelling. Mr. Frame stated that he had drafted a letter of recommendation for the Board's consideration.

By consensus, the Board authorized the Chairman to proceed with sending a letter of recommendation to the National Register of Historic Places for inclusion in the Virginia Landmarks Register.

RE: INFORMATION ITEMS

The Board received a copy of the Treasurer's Investment Report, as prepared by Phyllis M. Yancey, Treasurer.

RE: PENDING ITEMS

- Wireless Project
- Lighting Ordinance
- Noise/Nuisance Ordinance
- Booster Park

RE: CALENDAR

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

RE: DELIVERY OF FY10 BUDGET

The Board received a copy of the FY10 Budget for its review. Mr. Rolfe stated that staff across the Board has done a tremendous job reducing their budgets. He noted that this has been the worst budget ever to prepare. He stated that the County will be losing personal property tax revenue as older vehicles are depreciating and people are not buying new vehicles. Mr. Rolfe concluded by saying that the Board will need to deliberate on the impact of reductions which were necessary to get the budget balanced.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 9:14 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.