

BOARD OF SUPERVISORS MINUTES

MARCH 10, 2009

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 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; and 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. Johnson moved, seconded by Mr. Burkett and carried, to adopt the agenda as revised. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPROVAL OF 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
Forfeited Assets	Sheriff forfeited assets	\$ 144.30	Forfeited Assets
Subtotal Sheriff Forfeited Assets		\$ 144.30	
Animal Shelter	Emergency Vet	\$ 969.00	Donations
Animal Shelter	Vaccinations	\$ 1,105.00	Donations
Subtotal Animal Shelter		\$ 1,105.00	
ISTEA			
Montpelier	Gateway enhancement	\$ 150,000.00	Grant
Subtotal Montpelier		\$ 150,000.00	
Total, This Request		\$ 151,249.30	
Fiscal Year to Date Total		\$ 386,033.72	

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	Treasurer	Salary	499.00	A
Salary	Reserve for Raises	Treasurer	FICA	38.18	A
Salary	Reserve for Raises	Treasurer	Retirement	70.46	A
Salary	Reserve for Raises	Treasurer	Group Life Workers	4.99	A
Salary	Reserve for Raises	Treasurer	Comp	0.68	A
Salary	Reserve for Raises	Treasurer	Salary	220.00	A
Salary	Reserve for Raises	Treasurer	FICA	16.83	A
Salary	Reserve for Raises	Treasurer	Retirement	31.07	A
Salary	Reserve for Raises	Treasurer	Group Life Workers	2.20	A
Salary	Reserve for Raises	Treasurer	Comp	0.30	A
Salary	Reserve for Raises	Treasurer	Salary	247.67	A

Salary	Reserve for Raises	Treasurer	FICA	18.95	A
Salary	Reserve for Raises	Treasurer	Retirement	34.97	A
Salary	Reserve for Raises	Treasurer	Group Life Workers	2.48	A
Salary	Reserve for Raises	Treasurer	Comp	15.89	A

A - Merit Increases for March

RE: MINUTES

The Board approved the following minutes as presented:

- January 10, 2009 Board Retreat;
- January 11, 2009 Board Retreat; and
- February 3, 2009 Regular Meeting (originally scheduled for January 27, 2009).

RE: RESOLUTION OF SUPPORT FOR BUCKINGHAM BRANCH RAILROAD

The Board adopted the following resolution of support endorsing a rail preservation application for the Buckingham Branch Railroad:

**RESOLUTION ENDORSING RAIL PRESERVATION APPLICATION
OF BUCKINGHAM BRANCH RAILROAD COMPANY**

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and

WHEREAS, Buckingham Branch Railroad has identified projects that are estimated to cost \$1,507,143.00; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, the Buckingham Branch Railroad is an important element of the **County of Orange** transportation system; and

WHEREAS, the Buckingham Branch Railroad is instrumental in the economic development of the area, provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the **County of Orange** supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the March 10, 2009 Board of Supervisors meeting and sent to Buckingham Branch Railroad.

RE: PROCLAMATION FOR THE BOYS & GIRLS CLUB WEEK

The Board adopted the following proclamation proclaiming March 22, 2009 – March 28, 2009 as Boys and Girls Club Week in Orange County:

PROCLAMATION

WHEREAS, the young people of Orange County, Virginia are tomorrow's leaders; and

WHEREAS, many such people need professional youth services to help them cope with a wide range of social and financial hardships; and

WHEREAS, there is one Boys and Girls Club in Orange County – Taylor Education Administration Complex – providing services to more than 200 young people annually; and

WHEREAS, the Boys and Girls Clubs are at the forefront of efforts in Character and Leadership Development programs, Health and Life Skills programs, Education and Career Development programs, Arts, Sports, and Recreation; and

WHEREAS, the Boys and Girls Club organizations in our state help ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, the Boys and Girls Club of Orange County will celebrate National Boys and Girls Club Week 2009 along with some four thousand Clubs and more than four million young people nationwide;

NOW, THEREFORE, the Orange County Board of Supervisors, does hereby proclaim March 22, 2009 through March 28, 2009, as **BOYS AND GIRLS CLUB WEEK** in Orange County, and call on all citizens to join the Board in recognizing and commending the Boys and Girls Club organization in our state for providing comprehensive and effective services to the young people in our communities.

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS

The following employees were recognized for their dedicated service to Orange County: Dinah Waugh, Registrar – 30 years of service; and Shirley Irving, Parks & Recreation – 15 years of service.

RE: VDOT UPDATE

Don Gore, VDOT Resident Engineer, updated the Board on the status of current road projects in the County. He reported that the Culpeper residency office will be closing in two phases beginning in September, 2009.

Discussion ensued including: where the new residency office is to be located (in which locality); and action that the Board can take to keep the Culpeper office open.

Mr. Gore responded that the Board could write to the Governor of Virginia or the Commonwealth Transportation Board.

RE: PRESENTATION OF VIRGINIA REGIONAL TRANSIT DEVELOPMENT PLAN

A presentation was made to the Board regarding the Virginia Regional Transit Development Plan by Kathy Finniff, Chief Financial Officer; Greg McGowan, Transit Manager; and Chris Bell, Consultant.

RE: HABITAT FOR HUMANITY GRANT APPLICATION

Cindy Reid, representative for the Orange Habitat for Humanity, commented on the proposed Community Development Block Grant (CDBG) – Planning Grant application which had previously been approved for submission on November 13, 2007. She requested that the County move forward with submission of the planning grant application.

Mrs. Pace voiced concerns about creating a community. Discussion ensued including: length of the proposed road; purpose of the grant; road improvements; total acreage; and whether the Board can limit the number of homes to be built.

Mr. Rolfe stated that the item had been added to the agenda to reaffirm that the Board wanted to submit the Planning Grant application since the previous Board initially authorized the application submission.

By consensus, the Board authorized staff to proceed with submitting a planning grant application to the Department of Housing and Community Development.

RE: PRESENTATION BY THE TOWN OF ORANGE REGARDING RIDGES AT LAUREL RUN AND PROPOSED CONSERVATION EASEMENT

Kent Higginbotham, Town Council Member, spoke on behalf of the Orange Town Council requesting that the Board rescind its letter supporting the conservation easement on Ridges at Laurel Run as the area is located in the Joint Planning Area.

No action was taken at this time.

RE: ACTION ITEMS

RE: ORANGE COUNTY AIRPORT RULES, REGULATIONS AND MINIMUM STANDARDS

Peggy Miles, Airport Operations Manager, stated that the Airport Commission has reviewed and revised the Orange County Airport Rules, Regulations and Minimum Standards for the Board's consideration and approval.

Mr. Goodwin moved, seconded by Mrs. Pace and carried, to approve the revisions to the Orange County Airport Rules, Regulations, and Minimum Standards as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: RESOLUTION TO THE GOVERNOR

Mrs. Pace suggested adopting a resolution asking the Governor to veto or to take other action as he deems appropriate regarding the legislation on alternative septic systems as it preempts the County's authority.

Mrs. Pandak briefly commented on the action that the Governor could take.

Mrs. Pace made a motion to adopt the following resolution as presented:

**REQUEST GUBERNATORIAL ACTION REGARDING HB 1766 AND SB 1276
WHICH SUBSTANTIALY PREEMPT LOCALITIES' ABILITY TO REGULATE
ALTERNATIVE ON-SITE SEPTIC SYSTEMS**

WHEREAS, during the recent General Assembly Session, the Orange County Board of Supervisors sent a letter to its legislative delegation asking that it oppose legislation regarding the preemption of local regulation of the installation and maintenance of alternative on-site sewage systems (AOSS); and

WHEREAS, the General Assembly has enacted HB 1788 and SB 1276, which substantially preempt local regulation even though no adequate State Health Department regulations are in place to protect the public health, safety and welfare; and

WHEREAS, such legislation is premature;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby continue to oppose HB 1788 and SB 1276, and directs that a letter be prepared and sent to the Governor asking him to veto or take other appropriate action with respect to HB 1788 and SB 1276, and that a copy of such letter be sent to other counties and the Virginia Association of Counties.

Mr. Burkett seconded the motion. Mr. Rolfe commented on the need for maintenance regulations.

RE: RECESS

The Board recessed at 5:30 p.m. for dinner and reconvened at 6:34 p.m.

RE: CLOSED MEETING

At 6:34 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:

- Two (2) specific legal matters requiring the provision of legal counsel; 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. Burkett moved to approve the resolution. Mrs. Pace 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. Burkett seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Burkett nominated Stephanie Hensley to the Orange County Youth Commission as the District Two Representative filling the unexpired term of Jill Crowder, with said term expiring September 30, 2010. The motion was seconded by Mr. Goodwin and carried. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS CONTINUED

RE: PENDING ITEMS

Mr. Johnson stated that "Pending Items" had been added to the agenda as a standing item. He suggested that the Board consider removing the item completely or add language so that it is not confusing to the citizens who think that the items on the pending list will be discussed by the Board.

Discussion ensued among the Board as to the best way to keep track of pending items. By consensus, the Board requested that "Pending Items" be removed from the agenda.

RE: PUBLIC COMMENT

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

- Elizabeth Bevins, PO Box 402, Culpeper, commented on Services to Abused Families, Inc. (SAFE) funding;
- Carolyn Ostrowski, 109 Winchester Lane, Locust Grove, commented on Wilderness Wal-Mart;
- Deborah Reed, 146 Main Street, Culpeper, commented on agency funding for Rappahannock Legal Services;
- Ken Dotson, 33225 Constitution Highway, Locust Grove, commented on the Locust Grove Contract Post Office; and
- Tom Bundy, Unionville, commented on funding for Rappahannock Legal Services.

RE: BOARD COMMENT

Supervisor Goodwin suggested that the Board send a letter to Congressman Cantor and Postal Officials regarding the Locust Grove contract post office. By consensus, the Board directed staff to draft a letter for the Chairman's signature and send to legislative representatives and post office officials.

Supervisor Johnson commented on remarks made by Mr. Dotson regarding the Montpelier post office and the Barboursville post office.

Chairman Frame thanked Ms. Bevins and Ms. Reed for the information they presented on their respective agencies.

RE: DISCUSSION ITEMS CONTINUED

RE: EASEMENT

Mr. Goodwin stated that earlier in the meeting, Councilman Kent Higginbotham commented to the Board, on behalf of the Orange Town Council, regarding the conservation easement for the Ridges at Laurel Run. He stated that this is a designated growth area and moving growth out of the growth area puts it in places that are unwanted. He would like to find a solution that will benefit everyone involved.

Sherry Buttrick, representative of the Virginia Outdoors Foundation (VOF), briefly explained the purpose of the Virginia Outdoors Foundation and the process involved in putting land in a conservation easement. She concluded by saying that the VOF needs clarification from the County.

Alice Haas, attorney for the Artery Group, briefly gave the background on the project and voiced her client's support of the conservation easement.

Mrs. Pandak clarified to the Board that currently it has not taken any action on this matter.

Mrs. Pace moved to send a letter to the Virginia Outdoors Foundation affirming that the property in easement is consistent with the Comprehensive Plan and provides a nice buffer going from the Town to the County. Mr. Burkett seconded the motion. Ayes: Burkett, Pace. Nays: Johnson, Goodwin, Frame.

Mr. Johnson moved to send a letter to the Virginia Outdoors Foundation stating that the Board of Supervisors feels that the property is in an area where it is not consistent with the Comprehensive Plan. Mr. Goodwin seconded the motion. Ayes: Johnson, Goodwin, Frame. Nays: Burkett, Pace.

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
- Booster Park

RE: CALENDAR

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

RE: ACTION FOLLOWING CLOSED SESSION

Mr. Johnson moved, seconded by Mr. Goodwin and carried, to adopt a resolution to terminate the lease with the Orange County Boosters Club, Inc. after giving the Boosters 30 days notice because the term of the lease was unduly long. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: Pace.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Johnson moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 8:15 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.