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

RE: CONSENT AGENDA

Mr. Johnson 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:

DEPT	ACCOUNT DESCRIPTION		AMOUNT	Funding Source
Sheriff	Triad Safe Assured ID	$	900.00	Donations
Sheriff	SRT Team Equipment	$	1,000.00	Donations
Subtotal Sheriff		**$**	**1,900.00**	
Capital Projects	Gordonsville Library	$	98,000.00	Anonymous Donation
Subtotal Capital Projects Library		**$**	**98,000.00**	
Airport	Maintenance-Hold Signs	$	(15,865.00)	Adjustment for Grant-Fed
Airport	Maintenance-Hold Signs	$	(501.00)	Adjustment for Grant-State
Subtotal Airport		$	(16,366.00)	
	Total, This Request	**$**	**83,534.00**	
	Fiscal Year to Date Total	**$**	**319,567.72**	

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	Library	Salary	138.00	A
Salary	Reserve for Raises	Library	FICA	10.56	A
Salary	Reserve for Raises	Library	Retirement	19.49	A
Salary	Reserve for Raises	Library	Group Life	1.38	A
Salary	Reserve for Raises	Library	Workers Comp	0.19	A
Salary	Reserve for Raises	Library	Salary	58.62	A
Salary	Reserve for Raises	Library	FICA	4.48	A

Salary	Reserve for Raises	Library	Workers Comp	0.08	A
Salary	Reserve for Raises	Sheriff	Salary	189.00	A
Salary	Reserve for Raises	Sheriff	FICA	14.46	A
Salary	Reserve for Raises	Sheriff	Retirement	26.69	A
Salary	Reserve for Raises	Sheriff	Group Life	1.89	A
Salary	Reserve for Raises	Sheriff	Workers Comp	3.25	A
Salary	Reserve for Raises	Sheriff	Salary	272.33	A
Salary	Reserve for Raises	Sheriff	FICA	20.84	A
Salary	Reserve for Raises	Sheriff	Retirement	38.45	A
Salary	Reserve for Raises	Sheriff	Group Life	2.72	A
Salary	Reserve for Raises	Sheriff	Workers Comp	4.68	A
Salary	Reserve for Raises	Sheriff	Salary	237.79	A
Salary	Reserve for Raises	Sheriff	FICA	18.19	A
Salary	Reserve for Raises	Sheriff	Retirement	33.57	A
Salary	Reserve for Raises	Sheriff	Group Life	2.38	A
Salary	Reserve for Raises	Sheriff	Workers Comp	0.32	A
Salary	Reserve for Raises	Sheriff	Salary	228.67	A
Salary	Reserve for Raises	Sheriff	FICA	17.49	A
Salary	Reserve for Raises	Sheriff	Retirement	32.29	A
Salary	Reserve for Raises	Sheriff	Group Life	2.29	A
Salary	Reserve for Raises	Sheriff	Workers Comp	3.93	A
Salary	Reserve for Raises	Sheriff	Salary	282.33	A
Salary	Reserve for Raises	Sheriff	FICA	21.60	A
Salary	Reserve for Raises	Sheriff	Retirement	39.87	A
Salary	Reserve for Raises	Sheriff	Group Life	2.82	A
Salary	Reserve for Raises	Sheriff	Workers Comp	4.85	A

A Merit Increases for March

RE: MINUTES

The Board approved the following Minutes as presented:

- February 10, 2009 Regular Meeting;
- February 17, 2009 Regular Meeting;
- February 24, 2009 Regular Meeting.

RE: RIGHT-OF-WAY AGREEMENT FOR BARBOURSVILLE POST OFFICE

The Board authorized the County Administrator to execute the Right-of-Way Agreement with The Potomac Edison Company as presented.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

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

John Bangs, 22140 Monrovia Road, Orange, commented on the VPSA and Booster Park; Carla Bangs, 22140 Monrovia Road, Orange, commented on the VPSA and Booster Park; Julian Bennett, 8289 Meadowland Drive, Locust Grove, commented on the Orange County Cruisers, Booster Park, and the new school on Route 601; Garry Hale, 13096 Kendall Road, Orange, commented on Booster Park; Nora Coleman, 17131 Marquis Road, Orange, commented on the new middle school; and Michelle Coleman, 8125 Walkeys Run Lane, Unionville, commented on the new middle school.

There being no additional speakers, Chairman Frame closed public comment at 7:22 p.m.

RE: BOARD COMMENT

Chairman Frame commented on a letter he had received from the United States Postal Service; updated the Board members on the status of electronic agenda requests, minutes of Boards, Commissions and Committees; and noted that thank you letters had been sent to Rob Bell. Chairman Frame noted that the Board had received an invitation to Louisa County's inauguration of its Maritime Unit.

Supervisor Johnson stated that he had received a phone call from an agent for a bluegrass band inquiring about the cancellation of the Bluegrass Festival. He stated that the Board had no plans to change any of the events.

RE: ACTION ITEMS

RE: R. M. SODERQUIST CONTRACT AMENDMENT – COUNTY STAFF REDUCTION

Kurt Hildebrand, Director of Public Works, stated that during the regularly scheduled Board of Supervisors meeting held February 24, 2009, staff provided a memo and attachments that identified the potential for budget reductions for operation of the landfill. Mr. Hildebrand explained that the reductions could be realized by amending the current agreement with R.M. Soderquist and reducing the current County staff. He reported that the issue was again discussed during a budget worksession held on March 3, 2009 and wanted to clarify that all questions that the Board had had were addressed.

Discussion ensued including: obtaining approval from the Department of Environmental Quality (DEQ) and what happens if the permits are not approved. Chairman Frame confirmed that the questions and concerns that Mr. Burkett previously had were addressed.

Mr. Johnson moved, seconded by Mr. Goodwin, authorizing the County Administrator to amend the contract with R.M. Soderquist, such amendment contingent on approval of County Attorney, and to proceed with reduction of County work force resulting from increase in Soderquist scope of services. Amendments are as follows: Increase the contract in the amount of $130,800 annually for additional tasks as identified in R.M. Soderquist proposal dated January 21, 2009. Decrease the contract by $65,000 in FY2010 for reduction in fuel costs. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Abstain: Pace.

RE: MUTUAL AID AGREEMENT BETWEEN ORANGE COUNTY AND MADISON COUNTY

April Clark, E911 Center Manager, stated that the Madison County Sheriff's Office and the Louisa County Sheriff's Office are currently working on a Back-Up Project which will ensure that the three localities will operate as a back-up Public Safety Answering Point (PSAP) should a center need to be evacuated or an emergency arise. Mrs. Clark reported that there is already a Mutual Aid Agreement in place with Madison County which the County entered into on October 11, 2005. She noted that the agreement has been amended to reflect the operating frequencies and it is requested that, at this time, Orange County approve the amended Mutual Aid Agreement with Madison County. Mrs. Clark concluded by saying that taking the proposed action will ensure proper handling of all calls and proper deployment of needed staff during times of emergencies

when the respective center would need to be evacuated.

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

RE: VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) SPRING BOND SALE

Karen Karasinski, Finance Director, stated that on September 11, 2007, the Board of Supervisors held a public hearing on the issuance of $50,000,000 Bonds for the construction of a new middle school in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended and after the bids for the project were received, the total bond financing required for this project was recalculated to be $38,470,000. Mrs. Karasinski stated that, with Board approval, the County sold $5,220,000 in the fall 2007 Virginia Public School Authority (VPSA) bond sale and applied to the Virginia Board of Education for the Literary Loan for the maximum amount of $7,500,000. She explained that the Commonwealth has indicated that the $7,500,000 will not be available until fall 2010 and with the current rate environment it may be more advantageous to issue bonds for the remaining financing required for the project now and forgo the 2010 sale. She noted that the proposed resolution is requesting authority to sell up to $33,250,000 in the spring 2009 VPSA bond sale and based on market analysis, this amount may be decreased to $25,750,000 if the analysis proves that it is more advantageous to wait for the $7,500,000 Literary Loan.

Mrs. Pace stated that Orange County should really pause before burdening the taxpayers with this debt. Now is not the time to move forward on this project as it won't benefit the children. She feels that it will cause a decrease in academic excellence and requested that the Board reconsider its decision.

Judy Carter and Donna Waugh Robinson, School Board Members, voiced support of the new school project and requested that the Board continue to move forward.

Mrs. Pace commented on overcrowding in the current elementary school and stated that the County can better meet the needs by moving in a different direction. Mr. Johnson stated that both the elementary school and the middle school are overcrowded. He stated that a new building is needed and if necessary, the middle school could become the elementary school if needed in the future. Mrs. Pace stated that there is no reason to spend money to retrofit a school. An elementary school can be built much cheaper and the Board needs to save the taxpayers' money. Chairman Frame stated that, at this point, the Board can't make the change.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to approve the VPSA Spring Bond Sale as presented. Ayes: Johnson, Goodwin, Frame. Nays: Burkett, Pace.

RE: BARBOURSVILLE RURITAN LEASE

Mr. Rolfe briefly reviewed the revised lease agreement with the Barboursville Ruritans and stated that it been reviewed by the County Attorney, as well as the attorney representing the Ruritans.

Mr. Johnson moved, seconded by Mr. Goodwin and carried, to approve the revised lease agreement with the Barboursville Ruritans as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PERSONNEL POLICY UPDATE – FAMILY AND MEDICAL LEAVE ACT (FMLA)

Mr. Rolfe stated that the proposed changes to the County's personnel policy regarding the Family and Medical Leave Act ("FMLA") are to comply with recent changes to FMLA, which

went into effective on January 16, 2009. He stated that the proposed changes need to be adopted so that the County will be in compliance with FMLA requirements.

Mrs. Pandak briefly commented on the substantive changes.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt the changes to the County's Family Medical Leave Act requirements as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RAPPAHANNOCK ELECTRIC COOPERATIVE: RIGHT-OF-WAY EASEMENT AGREEMENT

Chairman Frame reported that a revised Right-of-Way agreement has been received Rappahannock Electric Cooperative (REC) concerning the relocation of electric lines to facilitate construction of the new middle school. Execution of the Right-of-Way Easement Agreement is necessary before REC will move the lines. He stated that the Board approved a similar agreement on February 26, 2009; however, it was later determined that the line could not go in the location as originally suggested. Therefore, the new location has been reviewed by the Construction Committee and is recommended for Board approval.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to authorize the County Administrator to execute the Right of Way Easement Agreement with Rappahannock Electric Cooperative as presented. Ayes: Johnson, Goodwin, Frame. Nays: Pace. Abstain: Burkett.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Chairman Frame nominated Nigel Goodwin for reappointment as one of the District Five representatives on the Orange County Planning Commission for a four year term, with said term expiring April 30, 2013. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: GORDON BUILDING ROOF UPDATE

Supervisor Goodwin updated the Board on the status of the Gordon Building roof. He stated that, based on issues with the truss company, there are difficulties involved in changing the roof design. Therefore, the County is now looking at getting a rubber roof. He stated that the roof on the Courthouse needs to be scraped and painted. Mr. Goodwin noted that the bidding process needs to begin immediately.

Discussion ensued regarding rubber roofs and the process involved. No action was requested or taken by the Board at this time.

RE: PARKS & RECREATION

Chairman Frame noted that this item would be discussed during the Closed Meeting.

RE: INFORMATION ITEMS

None.

RE: CALENDAR

The Board received copies of the March, April and May, 2009 calendars.

RE: CLOSED MEETING AUTHORIZATION

At 8:02 p.m. Mrs. Pandak read the following resolution:

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

- the assignment and performance of certain County employees; and
- two matters requiring the advice of legal counsel; and

WHEREAS, pursuant to §2.2-3711.A.1. 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 moved to approve the resolution. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CLOSED MEETING CERTIFICATION

At 9:15 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: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved to adjourn the meeting at 9:16 p.m. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.