

**BOARD OF SUPERVISORS MINUTES**

**MAY 11, 2010**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 11, 2010 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice-Chairman; Shannon C. Abbs; Zack Burkett; and Grover C. Wilson. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon E. 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 revised.  
Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the following consent agenda items:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

<b>DEPT</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT</b>	<b>Funding Source</b>
Sheriff	Forfeited Assets	\$ 163.80	Forfeited Assets
Sheriff	Forfeited Assets	\$ 532.22	Forfeited Assets
<b>Subtotal Sheriff</b>		<b>\$ 696.02</b>	
Animal Shelter	Vaccinations	\$ 2,535.00	Donations
	Preventive		
Animal Shelter	Disease	\$ 900.00	Donations
	Building		
Animal Shelter	Expansion	\$ 500.00	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 3,935.00</b>	<b>Donations</b>
Total this request		\$ 4,631.02	
Total Year to Date		\$ 917,445.50	

RE: PROCLAMATION FOR NATIONAL SAFE BOATING WEEK: MAY 22-28, 2010

The Board approved the following resolution as presented:

**A RESOLUTION DECLARING MAY 22-28, 2010 AS  
NATIONAL SAFE BOATING WEEK IN ORANGE COUNTY, VIRGINIA**

Recreational boating is fun and enjoyable, and we are fortunate in this County to have a variety of resources to meet pleasure boating demands. While being a marvelous source of recreation, boating can be a risky sport to the unprepared and untrained. Not knowing or obeying the Navigation Rules, drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when one should be worn, are all examples of making the wrong choice.

WHEREAS, the vast majority of boating accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S., and 70% of these fatalities are caused by drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public; and

WHEREAS, boating safety knowledge provided through an approved course will give operators an excellent foundation to manage the risks of boating; and

WHEREAS, Virginia now requires on a phased-in schedule that all operators complete a boating safety course, and the Department of Game and Inland Fisheries and other organizations provide approved courses in the Lake Anna area; and

NOW THEREFORE BE IT RESOLVED THAT, the Orange County Board of Supervisors, does hereby support the goals of the North American Safe Boating Campaign and proclaims May 22-28, 2010, as National Safe Boating Week in Orange County and the renewal of our continuing year-round effort to promote safe boating.

AND BE IT FURTHER RESOLVED THAT, the Orange County Board of Supervisors urges all those who boat to complete a safe boating course at your earliest opportunity, to "Boat Smart. Boat Safe. Wear It." and to practice safe boating habits.

RE: REQUEST FOR WAIVER FROM RAPIDAN BETTER HOUSING CORPORATION

The Board approved a request from the Rapidan Better Housing Corporation for the waiver of fees, including building permit fees and erosion & sediment fees associated with their upcoming construction project, located at 3566 Ridge Road, Barboursville.

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

RE: APPROVAL OF MINUTES: APRIL 13, 2010 REGULAR MEETING

Supervisor Burkett requested that the April 13, 2010 Regular Meeting Minutes be pulled from the consent agenda for approval as he was absent from the meeting and would be abstaining from the vote.

The minutes were approved as presented. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: None. Abstain: Burkett.

RE: PUBLIC APPEARANCES

RE: VDOT UPDATE

Brent Sprinkle, Assistant District Administrator, updated the Board on the status of road projects within Orange County. He stated that he would be the point of contact for the Board until further notice.

RE: PRESENTATION BY SUPERINTENDENT OF SCHOOLS – IMPACT OF ADJUSTED VRS

Dr. Robert P. Grimesey, Jr., Ed. D., Superintendent of Orange County Public Schools, made a presentation to the Board regarding the impact of adjusted Virginia Retirement Systems (VRS) local contributions.

Discussion ensued regarding how the shortfall will be made up in the pension fund.

Mrs. Abbs urged the School Board to make its decision by keeping that which is in the best interest of Orange County children. She stated that, barring some major catastrophe, she would support the option to hold the funds in abeyance and apply to anticipated FY 2011-2012 shortfall of \$1.9 million to \$2.4 million.

Mr. Burkett stated that he felt the School Board should be its own taxing entity. He urged the School Board to be very conservative with its funds.

Mr. Goodwin stated that he was in agreement with Mrs. Abbs and encouraged the School Board to hold onto the funds.

Chairman Frame stated that the School Board understands the situation that the Board is facing over the next several years and they will need to determine how the funds will be allocated.

RE: ACTION ITEMS

RE: COMPREHENSIVE SERVICES ACT (CSA) REQUEST

Karen Karasinski, Finance Director, reported that the December 31, 2009 quarterly report indicated that Comprehensive Services Act (CSA) was experiencing an increase in case load and, depending on services provided and Medicaid eligibility, additional local support may be required. In the first three quarters of fiscal year 2010 the same number of services has been provided as fiscal year 2009 in total. In the past six months, seven children have been moved to residential care which can range from \$13,000 - \$30,000 per month for education, room and board. Mrs. Karasinski stated that, based on the current case load and number of children that are eligible for Medicaid, the CSA Coordinator has projected current year expenses to be between \$1.7 and \$1.9 million or a \$500,000 to \$700,000 increase over the current amount budgeted. A portion of the increase will be paid by the State, but the additional local funding required is \$100,000 - \$120,000. State revenues were estimated conservatively this year so the percentage of local funding required for the budget amendment is less than the total local percentage. Mrs. Karasinski indicated that in the FY 2011 adopted budget, the CSA budget was increased \$120,000 to \$1,320,000 and State revenues were estimated higher to more accurately reflect their share of the program costs. If the current trend continues into next year, the amendment will require a greater percentage of local dollars. Mrs. Karasinski concluded by saying that, at this time, staff is requesting to amend the fiscal year 2010 CSA budget by recognizing \$490,000 in State revenue and transferring \$110,000 from General Fund contingency for a total of \$600,000. If approved, the balance in the contingency fund will be \$71,487.68.

Discussion ensued including: the cause of the increase; where the care facilities are located; whether another increase can be expected; whether children and parents are screened for insurance coverage; and options for placement of the children.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to recognize and appropriate \$490,000 of state funding and to transfer \$110,000 from the General Fund contingency to the CSA program. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: DEBARMENT POLICY

Joe Rodish, Procurement Technician, stated that the Code of Virginia authorizes Orange County to debar a prospective bidder, for a specified period of time, if the vendor has unsatisfactorily performed a contract. He explained that in order to implement this section of the Code, a policy outlining the debarment process must be established by the governing body.

Discussion ensued including: the length of debarment; flexibility of the proposed policy;

permanent debarment; and the appeals process.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adopt the Debarment Policy as amended, and incorporate into the current Procurement Policy. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: LEGAL SERVICES CONTRACT

Mr. Burkett moved seconded by Mr. Goodwin and carried, to defer discussion on this matter to the May 25, 2010 meeting. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PROPOSED BUDGET AMENDMENT FOR REASSESSMENT

Karen Karasinski, Finance Director, stated that during the FY 2011 budget process, the decision was made to eliminate funding for the reassessment project and move to a six year reassessment cycle. At its meeting on April 27, 2010, the Board decided to continue with a five year reassessment plan which will require funding during the 2011 fiscal year. Mrs. Karasinski reported that two options exist to fund the reassessment project in FY 2011:

1. In the current fiscal year, while maintaining compliance with the fund balance policy, the Board authorized to use \$2,979,382 of fund balance. If it is not necessary to use all of the reserves, the remaining fund balance, up to \$187,500 could be appropriated in FY 2011 to cover the costs associated with a five year reassessment plan.
2. Fund the cost associated with the reassessment project from the 2011 contingency budget, which would leave a balance in the 2011 contingency of \$137,500.

Mrs. Karasinski concluded by saying that staff recommends the first option to fund the reassessment project in FY 2011 in the amount of \$187,500. If sufficient reserves are not available, then the second option would be used until total project funding for FY 2011 is \$187,500.

Discussion ensued including: the cycle for reassessments; the consumer price index and how other localities conduct "in house" reassessments.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to appropriate \$187,500 of excess reserves from 2010 to the 2011 reassessment project. If excess reserves do not exist, then the Board authorizes a transfer from the General Fund contingency to the reassessment project up to \$187,500. Ayes: Abbs, Frame, Goodwin, Wilson. Nays: None. Abstain: Burkett.

RE: SESQUICENTENNIAL LIVING LEGACY PROJECT

Ms. Jordan stated that information had been received from the Journey Through Hallowed Ground Partnership (JTHG) regarding its Sesquicentennial Living Legacy Project. She explained that the JTHG Partnership seeks to commemorate the Sesquicentennial of the Civil War with a legacy project. As a living commemoration for individual and combined sacrifices, they wish to plant one tree for each citizen who sacrificed their life. The plan is to plant a tree, at a set pace along the 180 mile Rt. 15/20 corridor, from Monticello to Gettysburg.

Mrs. Abbs moved to table this matter until additional information could be provided by the Journey Through Hallowed Ground. Ayes: Abbs, Goodwin, Frame. Nays: Wilson. Abstain: Burkett.

RE: REQUEST FROM DENTAL CLINIC

Ms. Jordan commented on a letter that was received from Sean Gregg regarding the Mission of Mercy project that the Piedmont Regional Dental Clinic (PRDC) hosted at the Barboursville Fire Station, on May 1, 2010. A total of 426 patients received approximately \$300,000 in care from the service area. She explained that PRDC chose not to solicit from the local governing bodies until after the project was finished, in order to see the positive results from the Clinic. She concluded by saying that the PRDC is asking that the Board consider making a contribution in the amount of \$2,500.00 to help it cover the costs of the event.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve a contribution to the Piedmont Regional Dental Clinic (PRDC) in the amount of \$2,500, to help cover the costs associated with the Mission of Mercy project that (PRDC) hosted at the Barboursville Fire Station on May 1, 2010. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CLOSED MEETING

At 5:34 p.m., Ms. Pandak read the following motion authorizing Closed Meeting:

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

- Consultation with legal counsel regarding two (2) specific legal matters (§ 2.2-3711.A. 7 VA Code Ann.);
- *National Trust for Historic Preservation, et al. v. Board of Supervisors of Orange County*, CL09000240 (§ 2.2-3711.A. 7 VA Code Ann.);
- Assignment, performance, and salaries of specific employees and legal advice related thereto (§ 2.2-3711.A.1 and 7 VA Code Ann.);

WHEREAS, pursuant to §2.2-3711.A.1 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: RECESS

The Board recessed its Closed Meeting at 7:00 p.m. and reconvened in Open Meeting.

RE: PUBLIC COMMENT

At 7:00 p.m., Chairman Frame opened the floor for public comment. There being none, public comment was closed.

RE: BOARD COMMENT

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

RE: DISCUSSION ITEMS

RE: SOLID WASTE ORDINANCE AND FEE SCHEDULE

Kurt Hildebrand, Director of Public Works, reported that the Solid Waste Committee and staff have been working toward revisions to the Solid Waste Ordinance and also a proposed landfill fee schedule. He explained that the significant new language in the proposed ordinance clarifies that refuse received by Orange County shall have been generated in Orange County. It also identified that disposal charges shall be adopted by a resolution of the Board of Supervisors and that only the Board can waive those fees. Mr. Hildebrand stated that the overriding purpose of the proposed changes is to clarify the fees to be charged at the landfill and to make clear that that Orange County Landfill is not a "regional" facility. Specifically, the Landfill can only accept refuse generated within Orange County, as indicated in the permit and also in the Solid Waste Management Plan. Mr. Hildebrand concluded by saying that, should the Board desire to move forward with the proposed ordinance revisions, a public hearing would need to be scheduled.

Discussion ensued including: making the landfill profitable; and differentiating between a commercial farm and an agricultural enterprise.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to authorize staff to advertise and schedule a public hearing on June 8, 2010, to receive comments on the Proposed Solid Waste Ordinance and Fee Schedule. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: COMPREHENSIVE PLAN – DIRECTION TO STAFF

Supervisor Burkett requested that this item be added to the agenda for discussion. He had requested that staff review the Comprehensive Plan and note things that have been done through legislative actions or Board actions in an effort to streamline the review of the Plan. He had spoken with Ms. Jordan about this and she felt that this should be direction from the Board as a whole. Ms. Jordan stated that the Board had requested that any request that would take longer than an hour should be directed by the Board.

Discussion ensued among the Board. There was not a strong consensus to take action.

The Board requested that staff prepare a copy of the Zoning Ordinance similar to that of the Comprehensive Plan with numbered lines and pages.

RE: ACTION ITEMS CONTINUED

RE: PERSONNEL POLICIES

Ms. Jordan briefly reviewed the proposed updates to the following personnel policies:

- 2.4 Standards of Conduct,
- 3.3 Drug and Alcohol Use,
- 3.4 Use of County Vehicles, and
- 4.7 Compensatory Time.

Ms. Jordan explained that the Board recently revised and adopted Policy 4.7; however, a contradiction in the new language was discovered upon implementation of the new policy. Therefore, the proposed language corrects the contradiction and further clarifies another issue within the policy. She stated that the purpose of the review of Policies 3.3 and 3.4 was to ensure compliance with applicable laws, update the current organizational process or structure, and to eliminate confusing or duplicate language. The policy regarding Drug and Alcohol Use has been dramatically lengthened specifically due to the inclusion of language that is required by law. Policy 2.4 is proposed for revision to reflect changes necessary if Policy 3.3 is revised as proposed.

Discussion ensued including: compensatory time accrual process; broadening the scope of the Drug and Alcohol Use policy pertaining to the "Safety-Sensitive Function"; social drinking of County employees; Driving Under the Influence (DUI) offenses; and the need to revise Policy 3.4 regarding volunteers who drive County vehicles.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve revisions to Personnel Policy 4.7 Compensatory Time, as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

By consensus, the Board requested that Personnel Policy 3.3 Drug and Alcohol Use be revised as suggested and add to the May 25, 2010 agenda for further discussion and consideration.

Mr. Goodwin made a motion, seconded by Mrs. Abbs and carried, to approve the revisions to Policy 2.4 Standards of Conduct as presented. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve revisions to Policy 3.4 Use of County Vehicles as amended. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: Wilson.

RE: COMMITTEE REPORTS

Chairman Frame reported that the bond for Dogwood Village has one criteria that the funds be maintained in an escrow account that would cover two years of payments. He reported that the escrow account is drawing less than 1/4% interest which is grossly low. He questioned whether the Board is in support of seeking a better interest rate. By consensus, the Board authorized staff to investigate other federally insured options.

Mrs. Abbs stated that the Orange Youth Sports Foundation wanted to convey its appreciation to the Board for the park name change. She reported that children are playing on the fields.

Mrs. Abbs reported that the newly formed Planning Commission met for an organizational meeting. Nigel Goodwin was appointed as Chairman and Walter Smith was appointed Vice-Chairman. The Planning Commission is very excited about having a joint meeting with the Board.

Mr. Burkett reported that the Lake Anna Advisory Committee met for their organizational meeting. He was happy to report that he was not Chairman. He stated that the Committee wanted to request a small donation from each locality to which he voiced concern that it would be setting a precedent.

Mr. Wilson reported that the Rappahannock Rapidan Regional Commission was working toward getting a substantial grant for a canning operation. He also commented on the legislative update from Eldon James.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board recommended Kelly Southard for reappointment as an At-Large member of the Rappahannock Emergency Medical Services Council Board of Directors.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Quarterly Report as prepared by Karen Karasinski, Finance Director
- Kemper-Fry-Strother Camp #19 Invitation.

RE: CALENDAR

The Board received copies of its calendar for the months of May, June and July of 2010.

Mr. Burkett stated that he would attend the Kemper-Fry-Strother Camp celebration on June 11, 2010 on behalf of the Board. Mrs. Abbs stated that she would attend the State Farm Town Hall Meeting on Friday, May 21, 2010.

RE: RECONVENE IN CLOSED MEETING

At 8:49 p.m., the Board reconvened in Closed Meeting.

RE: CERTIFICATION OF CLOSED MEETING

At 10:02 p.m., Ms. Pandak read the following resolution certifying the Closed Meeting:

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

RE: ACTION FOLLOWING CLOSED MEETING - VERIZON ALLEGATION OF ERRONEOUS ASSESSMENT

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

**AUTHORIZE NOTICE OF PARTICIPATION IN STATE CORPORATION COMMISSION PROCEEDING REGARDING VERIZON ALLEGATION OF ERRONEOUS ASSESSMENT**

WHEREAS, Verizon Virginia, Inc. and Verizon South, Inc. have filed applications for review and correction of 2009 Personal Property Assessments; and

WHEREAS, these assessments are made by the State Corporation Commission on behalf of localities; and

WHEREAS, if Verizon Virginia and Verizon South succeed in their application, Orange County could lose more than \$57,000 in revenue for tax year 2009 and have a concomitant ongoing loss of revenue in future tax years; and

WHEREAS, other localities in Virginia are faced with similar losses of revenue;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize the County Attorney to file a notice of participation in the State Corporation Commission proceeding in order to prevent the loss of County revenues.

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



RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 10:02 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.