

**BOARD OF SUPERVISORS MINUTES**

**MAY 26, 2009**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 26, 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. Burkett 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
Library	Orange Library Book Refund	\$ 425.85	Book Refund
Library	Wilderness Book Refund	\$ 413.11	Book Refund
Library	Gordonsville Book Refund	\$ 4.95	Book Refund
<b>Subtotal Library</b>		<b>\$ 843.91</b>	
Animal Shelter	Emergency Vet Fund	\$ 1,348.90	Donations
Animal Shelter	Vaccinations	\$ 2,080.00	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 3,428.90</b>	
Sheriff	DCJS Byrne Jag Grant	\$ 745.00	Grant
Sheriff	Security Work Salary	\$ 4,228.74	Security Work
Sheriff	Security Work FICA	\$ 356.47	Security Work
Sheriff	Security Work Worker Comp	\$ 74.56	Security Work
Sheriff	Community Police Academy	\$ 660.00	Donations
<b>Subtotal Sheriff</b>		<b>\$ 6,064.77</b>	
<b>Total, This Request</b>		<b>\$ 10,337.58</b>	
<b>Fiscal Year to Date Total</b>		<b>\$ 378,316.56</b>	

RE: BANK OF AMERICA - SIGNATURE CARD UPDATE FOR ADMINISTRATION PETTY CASH CHECKING ACCOUNT

The Board approved the following resolution updating the Bank of America Signature Card for the County Administration Petty Cash Checking Account to add Julie Jordan, Assistant County Administrator, as an authorized signature on the account and deleting the previous Assistant County Administrator:

RESOLUTION

Resolved, that Bank of America (the "Bank") is hereby designated as a depository of the Association and that deposit accounts and/or time deposits (CDs) be opened and maintained in the name of this Association with the Bank in accordance with the terms of the Banks' Deposit

Agreement and Disclosures and the applicable rules and regulations for such accounts; that any one of the following Authorized Representatives of this Association:

William C. Rolfe, County Administrator;  
Julie G. Jordan, Assistant County Administrator;  
Donna D. Curry, Office Manager;

is hereby authorized, on behalf of this Association and in its name, to execute and to sign any application, deposit agreement, signature card and any other documentation required by the Bank to open said accounts; to sign checks, drafts, notes, bills of exchange, acceptances, time deposits (CDs) or other orders for payment of money; to endorse checks, drafts, notes, bills, time deposits (CDs) or other instruments owned or held by this Association for deposit with Bank or for collection or discount by the Bank; to accept drafts, acceptances, and other instruments payable at the Bank; to place orders with the Bank for the purchase and sale of foreign currencies on behalf of this Association; to execute and deliver an electronic fund transfers agreement and to make transfers or withdrawals by electronic transfer on behalf of the Association; to obtain an access device (including but not limited to a card, code, or other means of access to the Association's accounts) that may be used for the purpose of initiating electronic fund transfers [Association agrees and acknowledges that neither the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) nor Regulation E (12 C.F.R. Part 205) are applicable to any such access device]; to establish and maintain a night deposit relationship; to execute and deliver a wire transfer agreement and to request, or to appoint or delegate from time to time such persons who may request, wires of funds; to enter into any agreements with the Bank for the provision by Bank of various Treasury Management services to this Association as such Authorized Representative may determine, in his or her sole discretion, and to sign any and all documents and take all actions required by Bank relative to such Treasury Management services or the performance of the Association's obligations thereunder, and that any such Treasury Management agreement(s) shall remain in full force and effect until written notice to terminate given in accordance with the terms of any such agreement shall have been received by the Bank and that such termination shall not affect any action taken by the Bank prior to such termination; to rent or lease a safe deposit box from Bank, to execute the rental agreement or lease, to enter the safe deposit box and to terminate the rental agreement or lease; to take whatever other actions or enter into whatever other agreements relating to the accounts or investment of funds in such accounts with the Bank and to execute, amend, supplement and deliver to Bank such agreements on behalf of the Association upon such terms and conditions as such Authorized Representative may deem appropriate and to appoint and delegate, from time to time, such person(s) who may be authorized to enter into such agreements and take any other actions pursuant to such agreements in connection with said accounts that the Authorized Representative deems necessary; and to waive presentment, demand, protest, and notice of protest or dishonor of any check, note, bill, draft, or other instrument made, drawn or endorsed by this Association; and

Further Resolved, that the Bank and is hereby authorized to honor, receive, certify, pay or exchange for money orders or other instruments all instruments signed in accordance with the foregoing resolutions even though such payment may create an overdraft or even though such instruments may be drawn or endorsed to the order of any Authorized Representative signing the same or tendered by such Authorized Representative or a third party for exchange or cashing, or in payment of the individual obligation of such Authorized Representative, or for deposit to such Authorized Representative's personal account and Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolutions or the application or disposition of such instrument or the proceeds thereof; and, further, that the Bank is authorized to honor any instructions regarding withdrawals, orders for payment or transfer of funds whether oral, by telephone or electronic means is such withdrawal, orders or transfer are initiated by an Authorized Representative; and

Further Resolved, that the Bank be and is hereby requested, authorized and directed to honor and to treat as authorized, checks, drafts or other orders for the payment of money drawn or

purportedly drawn in this Association's name, including those payable to the individual order of any person whose name appears thereon as signer thereof, when bearing or purporting to bear the facsimile signature of an Authorized Representative authorized in the foregoing resolutions and Bank shall be entitled to honor, to treat as authorized, and to charge this Association for such checks, drafts, or other orders regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto, if such signature resembles the facsimile specimen duly certified to or filed with the Bank by the Secretary or Assistant Secretary or other officer or an Authorized Representative of this Association or if such facsimile signature previously affixed to any check, draft, or other order drawn in the Association's name, which check, draft, or other order was accepted and paid without timely objection by the Association, thereby ratifying the use of such facsimile signature; and the Association hereby indemnifies and holds the Bank harmless against any and all loss, cost, damage or expense suffered or incurred by the Bank arising out of or in any way related to the misuse or unlawful or unauthorized use by a person of such facsimile signature; and

Further Resolved, that endorsements for deposits may be evidenced by the name of the Association being written or stamped on the check or other instrument deposited, without designation of the party making the endorsement, and Bank is authorized to supply any endorsement on any instrument tendered for deposit or collection; and

Further Resolved, that the Secretary or Assistant Secretary or other duly authorized officer of this Association shall certify to the Bank names and signatures of persons authorized to act on behalf of this Association under the foregoing resolutions and shall from time to time hereafter, as changes in the identity of said Authorized Representatives are made, immediately report, furnish, and certify such changes to Bank and shall submit to Bank a new account signature card reflecting such change in order to make such changes effective and Bank shall be fully protected in relying on such certifications and shall be indemnified and saved harmless from any claims, demands, expenses, losses, or damages resulting from, or growing out of, honoring the signature of any Authorized Representative so certified, or refusing to honor any signature not so certified; and

Further Resolved that the foregoing resolutions shall remain in full force and effect and the authority herein given to all of said persons shall remain irrevocable as far as Bank is concerned until three (3) business days after Bank is notified in writing of the revocation of such authority and that receipt of such notice shall not affect any action taken by the Bank prior thereto; and

Further Resolved, that all transactions by any Authorized Representative, officer or employee of this Association on its behalf and in its name with Bank prior to the delivery to Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and

Further Resolved, that the Secretary or Assistant Secretary be and hereby is, authorized and directed to certify these resolutions to Bank and that the provisions hereof are in conformity with the Articles of Association, Charter, Rules and Bylaws of this Association.

RE: RESOLUTION REQUESTING VDOT TO ADD LITCHFIELD DRIVE TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

The Board approved the following resolution from the Virginia Department of Transportation to add Litchfield Drive to the Secondary System of State Highways:

### **RESOLUTION**

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated May 15, 2009 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0780-068-108,N503 which sketch is hereby incorporated herein by reference,

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Orange County, and

NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to {33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

**Project: 0780-068-108,N503**

**Type Change to the Secondary System of State                      Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

**Reason for Change: Access Project, Industrial**  
Pursuant to Code of Virginia §33.1-229, §33.1-221

**Street Name and/or Route**

► **Litchfield Drive, State Route Number 780**  
Old Route Number: 0

- From: 0.60 Mi. E. of Rte. 15  
To: 0.83 Mi. E. of Rte. 15, a distance of: 0.23 miles.

Recordation Reference: DB 677 Pg. 0166

Right of Way width (feet) = 60 Feet

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

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

RE: RECYCLING PRESENTATION

Laura Carter, Litter Control Coordinator, made a presentation to the Board regarding a recycling program that the Litter Control Committee has implemented in the public school system and is planning to implement in County offices beginning with the Gordon Building.

RE: CAREER AND TECHNICAL EDUCATION FACILITY

Larry Massie, Interim School Superintendent, commented on career and technical education. He stated that there are a number of high school students who attend technical school outside of Orange County. He stated that there needs to be an avenue for students who choose not to attend college but want to specialize in a trade.

Lauren McClung, a high school senior who attends cosmetology classes in Madison

County, commented on the need for career and technical education in Orange County.

Linda Carlton, Director of Secondary Education, commented on the various career and technical education courses available and gave a sample listing of potential courses which could be offered to Orange County students.

Discussion continued following the public hearing.

RE: PUBLIC HEARING: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SIX-YEAR PLAN

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Frame called the public hearing to order to receive comments on the following:

- Virginia Department of Transportation proposed Secondary Six-Year Plan for Fiscal Years 2010 through 2015 in Orange County and on the Secondary System Construction Budget for Fiscal Year 2010. All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

Don Gore, VDOT Resident Engineer, gave a brief overview of the proposed plan. He stated that there can be no additions to the plan and noted that no funds are available for Rural Additions.

Chairman Frame opened the floor for public comment at 7:38 p.m. There being none, the public hearing was closed.

Mr. Johnson moved, seconded by Mr. Burkett and carried, to approve the plan as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC APPEARANCES CONTINUED

RE: CAREER AND TECHNICAL EDUCATION CONTINUED

Linda Carlton, Director of Secondary Education, stated that the school system had been working with the County, specifically Julie Jordan, Assistant County Administrator, to increase career awareness.

Gene Kotulka, Principal of Orange County High School, stated that there is a need for career and technical education in Orange County.

Judy Carter, Vice-Chairman of the Orange County School Board, stated that the School Board is seeking a nod of approval from the Board for a study to determine the career and technical education needs of Orange County students and whether such a center would benefit the County and surrounding localities. She thanked Mr. Massie for his service to Orange County as the Interim Superintendent and noted that she would like for him to be remember, not as the interim, but for getting a career and technical education program started in the County. At this time, Mrs. Carter introduced the new School Superintendent Dr. Robert P. "Bob" Grimesey.

Discussion ensued including: costs associated with such a program; apprenticeships; and the need for such a program.

By consensus, the Board supports the School Board in conducting a study to determine how to meet the needs of students in career and technical training and education. The Board requested a breakdown of information pertaining to the number of students who are interested in vocational training.

RE: BOARD COMMENT

Chairman Frame voiced concern that the Board is wavering on issues that have been previously discussed. He asked Mrs. Pandak to draft language for the Board's consideration regarding how to approach issues.

Discussion ensued including: the recent action taken regarding the career and technical education study; clarifying actions taken by consensus; the need for a process to discuss items and take action by consensus; and concerns about becoming too formal.

Mrs. Pandak stated that having a draft motion or resolution prepared for consideration when taking an action helps to clarify questions about the exact action that is being taken.

Discussion continued including: keeping actions simple and clear; concerns of focusing more on the words rather than the content; suggestions for clarifying actions taken by the Board "by consensus"; and making sure that staff has a clear understanding of the Board's direction.

RE: ACTION ITEMS

RE: REQUEST FROM THE ORANGE COUNTY HISTORICAL SOCIETY FOR TAX EXEMPTION

Mr. Rolfe stated that the Orange County Historical Society, Inc., is a not-for-profit 501(c)3 organization which is requesting tax exempt status for real personal property tax relief on property located at 130 Caroline Street in the Town of Orange, identified as Tax Map 044A-40016001-60. He stated that, per the State Code of Virginia, the County has the option to exempt property from taxation by classification in accordance with Article X, Section 6 (f) under 58.1-3609. He concluded by saying that, according to the letter of request, the yearly tax liability is estimated to be \$2,500 to the County of Orange.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to schedule a public hearing on Tuesday, June 30, 2009, for consideration of tax exempt status for property owned by the Orange County Historical Society, Inc. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ROOF REPLACEMENT FOR GORDON BUILDING

Kurt Hildebrand, Director of Public Works, updated the Board on the roof replacement for the Gordon Building. He stated that eight firms responded to the advertisement and the low bidder was Martin Roofing, with a bid of \$62,864. He confirmed that Martin Roofing's bid was in order and their references have been verified. Mr. Hildebrand concluded by saying that staff recommends that Martin Roofing be awarded the contract.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute a contract with Martin Roofing, in the amount of \$62,864, for replacement of the Gordon Building roof. The contract will be funded from the Capital Improvement Fund, Gordon Building Roof project. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: AIRPORT TERMINAL BUILDING UPDATE

Kurt Hildebrand, Director of Public Works, stated that Evolve Architects, Inc. has nearly completed the plans for the proposed new terminal building at the Orange County Airport. The proposed project will be ready for bid advertisement by the target date of June 7, 2009. By advertising on this date and the proposed bid opening scheduled for July 9, 2009, the County will have the necessary information for the Virginia Department of Aviation's (VDOA) meeting in August when funding issues will be made. Mr. Hildebrand noted that although the County has incurred costs for design of the proposed facility, the action of advertising and receiving bids does

not obligate the County to construct the terminal building. He stated that the assumption is that the Board of Supervisors will desire to proceed with construction if funding from the VDOA is available. Mr. Hildebrand concluded by saying that staff recommends that the proposed project be advertised for bids on June 7, 2009, and to receive and open bids on July 9, 2009. Staff further recommends review of bids and projections of future costs be presented to the Board soon after bid opening and prior to the August DOAV meeting.

Mr. Rolfe updated the Board on the current status of state funding.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to authorize the County Administrator to proceed with advertisement requesting bids for construction of the proposed Orange County Airport Terminal Building. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Chairman Frame nominated Charlie Bocook for reappointment to the Rappahannock Emergency Medical Services (REMS) Council for a three year term, with said term expiring June 30, 2012.

Chairman Frame nominated Hank Lewis for appointment to the Orange County Youth Commission to fill the unexpired term of Ann Goodwin, with said term expiring September 30, 2011.

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

RE: DISCUSSION ITEMS

RE: 275<sup>TH</sup> ANNIVERSARY OF ORANGE COUNTY

Mrs. Pace requested that this item be added to the agenda for discussion. She inquired as to what the County is planning to do to celebrate its 275<sup>th</sup> anniversary. Discussion ensued. The Board asked Mr. Rolfe to contact Crackerjacks to see if they could do a fireworks display and to contact both towns to see if they are interested in participating in the celebration. The Board also asked Julie Jordan, Assistant County Administrator, to discuss the issue with the various tourism agencies.

By consensus, the Board requested that this item be added to the June 9, 2009 agenda for further discussion.

RE: FURTHER DISCUSSION AND CLARIFICATION ON THE BOARD OF SUPERVISORS FREEDOM OF INFORMATION ACT (FOIA) POLICY

Mrs. Pace requested that this item be added to the agenda for discussion. She requested clarification from the Board regarding the current County policy and previous direction from the Board.

Discussion ensued including: State Code requirements; current procedures; fair treatment to all requests; and common sense.

By consensus, the Board directed the County Administrator to: follow the guidelines as set forth in the Code of Virginia; exercise keen judgment; use common sense; and apply the same principles to everyone.

RE: ROAD LITTER – CENTRAL VIRGINIA REGIONAL JAIL (CVRJ) INMATES

Mrs. Pace requested that this item be added to the agenda for discussion. She suggested that inmates at the Central Virginia Regional Jail (CVRJ) be used to pick up trash along Orange County roadways. Chairman Frame stated that he would bring the subject up at

the next CVRJ Board Meeting and report back to the Board.

RE: ROUTE 29 CORRIDOR STUDY

Mrs. Pace requested that this item be added to the agenda for discussion. She inquired as to how the other Board members felt about the preliminary suggestion regarding the Route 29 Corridor study and the impact to Orange County. She stated that she felt that the proposed solution would not be beneficial to the County. Chairman Frame stated that if the Board doesn't agree with the proposed plan, then a formal letter should be sent to the Study Committee. Mr. Johnson stated that he didn't want the letter to say "Not in My Backyard" but he prefers that it be a broad statement.

Chairman Frame asked Mrs. Pace to draft a letter for the Board's review. She asked Mr. Rolfe if he would assist in drafting a letter. Mr. Rolfe stated that he would be happy to, and noted that Debbie Kendall, Director of Strategic Planning, had been attending the meetings so he would ask for her assistance as well.

RE: CALENDAR

The Board received copies of its calendar for the months of May, June, and July, 2009.

Mr. Rolfe stated that Bike Virginia would be traveling through Orange on June 23, 2009 which is the date of the second Board meeting in June. He reported that Orange County and the Orange Downtown Alliance are hosting the event. He suggested that the Board might want to consider cancellation of the June 23, 2009 meeting or changing the date of the meeting.

Julie Jordan, Assistant County Administrator, briefed the Board on the Bike Virginia event and the number of expected participants and visitors to Orange County.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to change the date of the second meeting in June from the 23<sup>rd</sup> to the 30<sup>th</sup>. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CLOSED MEETING AUTHORIZATION

At 9:36 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:

- the assignment and performance of certain County employees, and
- *Barnes, et al. v. Orange County Board of Supervisors*, CL 08000290, *Higginbotham, et al. v. Orange County Board of Supervisors*, CL 08000291, *Higginbotham, et al. v. Orange County Board of Supervisors*, CL 08000292, *Strong, et al. v. Orange County Board of Supervisors*, CL 08000293, and

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.

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



RE: CERTIFICATION OF CLOSED MEETING

At 10:56 p.m., Mr. Burkett 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. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, 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 10:56 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.