

BOARD OF SUPERVISORS MINUTES

JUNE 8, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 8, 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; and Zack Burkett. Absent: Grover C. Wilson. Also present: Julie G. Jordan, County Administrator; Sharon E. Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt the agenda as presented.

RE: CONSENT AGENDA

Mr. Burkett 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	Security Work	\$ 3,600.00	Security Work Revenue
Sheriff	Security Work	\$ 372.45	Security Work Revenue
Sheriff	Hospitalization	\$ (4,910.00)	Comp Board Revenue
Subtotal Sheriff		\$ (937.55)	
Animal Shelter	Emergency Vet	\$ 560.56	Donations
Subtotal Animal Shelter		\$ 560.56	
Clerk Circuit Court	Hospitalization	\$ (1,029.00)	Comp Board Revenue
Subtotal Clerk Circuit Court		\$ (1,029.00)	
Comm Attorney	Part-time Wages	\$ (843.00)	Comp Board Revenue
Subtotal Comm Attorney		\$ (843.00)	
Treasurer	Hospitalization	\$ (485.00)	Comp Board Revenue
Subtotal Treasurer		\$ (485.00)	
Comm Revenue	Professional Services	\$ (438.00)	Comp Board Revenue
Subtotal Comm Revenue		\$ (438.00)	
	Total this request	\$ (3,171.99)	
	Total Year to Date	\$ 2,059,118.82	

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
Emergency Management	Salaries Part-time	Human Resource	Consulting Services	11,000.00 A

A - To cover costs of actuarial expenses for benefit plan.

RE: MINUTES

The Board approved the following minutes, as presented:

- May 11, 2010 Regular Meeting;
- May 19, 2010 Comprehensive Plan Worksession.

RE: LANDFILL TIPPING FEE WAIVER REQUEST – SOMERSET STEAM & GAS ENGINE ASSOCIATION

The Board approved a request from the Somerset Steam and Gas Engine Association for a waiver of landfill tipping fees associated with the Annual Somerset Steam & Gas Pasture Party, to be held at Fairfield View Dairy Farm in Somerset on September 10 -12, 2010.

RE: RESOLUTION OF RECOGNITION – AYLOR

The Board approved the following resolution:

A RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS

WHEREAS, F. Glenn Aylor was recently named the Virginia Association of Regional Jails Superintendent of the Year at the regional jail conference in Virginia Beach; and

WHEREAS, F. Glenn Aylor has been the Superintendent at the Central Virginia Regional Jail since October, 2003; and

WHEREAS, F. Glenn Aylor began his career at the Central Virginia Regional Jail in 1991 as a Jail Officer. As he excelled in his career, he was promoted to Shift Sergeant served as the Jail's first Information Technology Specialist, and was promoted to Chief Correctional Officer/Deputy Superintendent; and

WHEREAS, during F. Glenn Aylor's tenure as Jail Superintendent, he consistently manages to receive outstanding ratings of 100 percent on the State's very detailed tri-annual audits and the yearly unannounced inspections for life, health and safety standards, thus maintaining the jail's unblemished history in that regard; and

WHEREAS, F. Glenn Aylor currently serves as a firearms instructor at the jail and at the Central Shenandoah Criminal Justice Training Academy. He has also been a former Virginia Association of Regional Jails President, was named to the Board of Corrections Liaison Committee in January, 2009, and currently serves on the Board of Directors at the Shenandoah Criminal Justice Training Academy.

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of Supervisors that F. Glenn Aylor is hereby recognized for being selected as the Virginia Association of Regional Jails Superintendent of the Year and commended for his dedicated service and commitment to the citizens of Orange County and the Central Virginia Regional Jail.

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

RE: RAPPAHANNOCK ELECTRIC COOPERATIVE EASEMENTS AND RIGHT-OF-WAYFOR NEW MIDDLE SCHOOL PROJECT

This item was pulled from the consent agenda for discussion.

Kurt Hildebrand, Director of Public Works, explained that the Board previously granted easements and received Right-of-Way from S. J. S. Limited Company/D & W Investments L.L.C. The easements and Right-of-Way were necessary for improvements associated with the new Middle School Project. He reported that Rappahannock Electric Cooperative (REC) owns property adjacent to S. J. S. /D & W that also requires similar easements and Right-of-Way for improvements associated with the Middle School Project.

Discussion ensued regarding the transfer of the tower to Rapidan Service Authority (RSA), and if so, confirming that there will be no problem with the placement of antennas on the tower. It was suggested that the County Attorney and the attorney for RSA review the deed of dedication. Ms. Pandak stated that she had drafted the documents.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to accept the Rappahannock Electric Cooperative (REC) Deed of Dedication as presented. Ayes: Abbs, Goodwin, Frame. Nays: None. Abstain: Burkett. Absent: Wilson.

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF RESOLUTION OF RECOGNITION

Chairman Frame, on behalf of the Board, presented a resolution of recognition to F. Glenn Aylor, Superintendent of the Central Virginia Regional Jail, as the Virginia Association of Regional Jails Superintendent of the Year.

RE: VDOT UPDATE

Ms. Jordan stated that she had spoken with Brent Sprinkle regarding the VDOT update. She reported that he will be appearing before the Board on a quarterly basis beginning in July. She indicated that a monthly report will be sent to the Board prior to its first monthly meeting.

RE: BARBOURSVILLE PRESENTATION

Beth and Fred Nichols made a presentation to the Board regarding the condition of the road leading into the Barboursville Community Park. Mrs. Nichols commented on the current parking problems and water drainage issues. She requested that the Board consider expending the left over funds for the Post Office relocation to make the necessary repairs to the road.

By consensus, the Board requested that staff scope out the area and report back.

RE: ACTION ITEMS

RE: PROPOSED BUILDING PERMIT FEES

William Schwind, Chief Building Official, presented information to the Board regarding the current building permit fee schedule and proposed changes to the fee schedule.

Discussion ensued regarding the need to make the Building Department self- sufficient.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve the building permit fee schedule as amended, effective July 1, 2010. Ayes: Abbs, Goodwin, Frame. Nays: Burkett. Absent: Wilson.

RE: RAPIDAN BETTER HOUSING WAIVER REQUEST

Ms. Jordan stated that two letters had been received from the Rapidan Better Housing Corporation requesting a waiver of all permit fees associated with scheduled home renovations on Wilson Lane in Gordonsville and Kendall Road in Orange. She noted that since the Board packet had been distributed, another request had been received for a renovation located on Constitution Highway in Orange. Ms. Jordan explained that previously, the Board of Supervisors approved a blanket waiver request of building permit fees for projects jointly undertaken by the County Committee for Affordable Housing and the Rapidan Better Housing Corporation.

Recently, the County Attorney advised the Board that it is better to make a contribution to the agency as there is a question as to whether fees can be waived in this manner. She concluded by saying that staff is recommending that the Board consider authorizing the same action as was taken regarding Habitat for Humanity by calculating the fees associated with each project and then the County would make a donation in that same amount to the Rapidan Better Housing Corporation.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to specifically approve the three waiver requests as presented for: 16110 Wilson Lane, Gordonsville; 12504 Kendall Road, Orange; and 12424 Constitution Highway, Orange. Further, the Board revoked the blanket permit previously approved in 1997 and requested that each request be considered on a case by case basis with all future requests showing the total amount of fees to be waived. Ayes: Abbs, Goodwin, Frame. Nays: Burkett. Absent: Wilson.

RE: REASSESSMENT REQUEST FOR PROPOSAL

Ms. Jordan stated that the Board had indicated that it would like to review the Reassessment Request for Proposals prior to its release. She noted that a draft of the proposed RFP had been reviewed by the County Attorney, Commissioner of the Revenue and the Finance Director. With regard to the selection committee, Ms. Jordan recommended that the Commissioner of the Revenue, Finance Director, a Board member and herself review the submittals and make a recommendation to the Board.

By consensus, the Board appointed Chairman Frame to serve as the Board representative on the Reassessment Committee.

RE: FY2010 CONTINGENCY FUND REQUEST

Ms. Jordan reported that an anonymous donor has pledged \$34,000 for the medical room at the Animal Shelter, providing the County will match the donation. She stated that if the Board agrees to match the donation, staff is optimistic that there will be sufficient resources for the project with the additional private donations being solicited for the project. Ms. Jordan concluded by saying that, contingent upon the receipt of \$34,000 from the anonymous donor and the receipt of any additional private funds necessary to complete the project, staff is requesting authorization to transfer \$34,000 from the General Fund contingency to match the donation. She noted that the remaining balance of the FY 2010 contingency fund will be \$37,487.68 following the proposed transfer.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the transfer of General Fund contingency funds in the amount of \$34,000 to Capital Projects Fund Animal Shelter (4.312.94200.1055). This transfer is contingent upon the receipt of 34,000 from an anonymous donor, and the receipt of sufficient additional private funds. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: REVISED PERSONNEL POLICY 3.3 DRUG AND ALCOHOL USE

Ms. Jordan briefly reviewed the proposed revisions to Personnel Policy 3.3 – Drug and Alcohol Use. She explained that the purpose of the review and revisions to the policy was to ensure compliance with applicable laws, to update the current organizational process and/or structure; and to eliminate confusing or duplicate language.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve Personnel Policy 3.3, Drug and Alcohol Use, as presented. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: CORRECTION OF FY11 BUDGET RESOLUTION

Ms. Jordan explained that the General Fund revenue detail attached to the FY11 budget resolution contains an addition error. When the resolution was changed after the public hearing, the detail was updated, but the total was not updated. She stated that this is a housekeeping item to correct the total. The following reflects the original amounts and the correction:

	Original	Correction
Local Sources	\$41,002,492	\$41,002,492
Commonwealth	5,947,100	5,947,100
Federal Government	74,520	74,520
Transfer in From Other Funds	294,987	294,987
Transfer in From Other Funds	<u>1,741,464</u>	<u>1,741,464</u>
Total	\$48,765,576	\$49,060,563

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the correction of the detail supporting the FY11 budget adoption as presented. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: RECESS

The Board recessed for dinner with business leader Michael Shareck, Senior Vice President of MPS. The Board reconvened in Open Meeting at 7:00 p.m.

RE: PUBLIC COMMENT

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, the Board continued with the remainder of the agenda.

RE: DISCUSSION ITEMS

RE: TRANSFER OF DEVELOPMENT RIGHTS (TDR'S)

Chairman Frame stated that he had requested that this item be added to the agenda for discussion. He questioned whether the Board wanted to consider the Transfer of Development Rights (TDR's) during its review of the Comprehensive Plan. Discussion ensued including: community development; proffers; designation of growth areas; and taxation.

By consensus, the Board requested that the Interim Planning Director research the issue to see if this program has worked successfully elsewhere.

RE: VRS PLAN 2: JULIE JORDAN, COUNTY ADMINISTRATOR

Ms. Jordan reported that during the 2010 General Assembly session, a bill was passed implementing new VRS plans for those employees who are hired or rehired on or after July 1,

2010, and who have no prior VRS service. The new plan is called VRS Plan 2. She explained that, at this time, the VRS contribution for full time employees is 14.54% which is entirely covered by local contribution. This contribution was elected a number of years ago and was an irrevocable decision by that Board, unless the General Assembly gives the authority to all localities to do otherwise. She stated that at this juncture, localities need to decide how the contribution for new employees will be handled. This decision can be reviewed annually by the Board. Once a decision is in effect, it will remain until a new resolution is passed. When a new resolution is passed, it will go into effect the next fiscal year. Ms. Jordan indicated that the Board has three options:

- New employees with no prior VRS service pay the 5% contribution (no action required by the Board):
- Localities pick up between one and five percent of the contribution and the new employees pick up the balance (Board must pass resolution by June 30, 2010); or
- Localities pick up the 5% contribution on a six-year, phased in schedule (Board must pass resolution by June 30, 2010).

She concluded by saying that staff recommends that the contribution for new employees be the same as current employees for FY11 for a number of reasons:

- Employees of the County should receive similar benefit packages.
- A 5% pay cut will be a disincentive to recruitment of new employees.
- There will not be many new employees that will be brought on in FY11 thus there will not be large costs to treat employees equally.

She noted that if the Board wished to proceed then a resolution could be drafted for the consideration at its June 22, 2010 meeting.

No action was taken by the Board at this time.

RE: PUBLIC HEARINGS

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:

- Proposed Amendments to County Code Chapter 50, Solid Waste,
Article I. In General,
 Sec. 50-1: Definitions,
Article II. Collection and Disposal,
Division 1. Generally,
 Sec. 50-36: Provided,
 Sec. 50-38: Origin of Refuse,
 Sec. 50-39: Disposal Charges,
Division 2. Containers,
 Sec. 50-61: Use,
 Sec. 50-65: Transportation of rubbish,
 Sec. 50-66: Restrictions and limitations.
- Proposed Orange County Landfill Fee Schedule

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the following resolution amending the Orange County Code, Chapter 50 Solid Waste, as presented:

AMEND COUNTY CODE CHAPTER 50 – SOLID WASTE ORDINANCE

WHEREAS, the Orange County Board of Supervisors has reviewed its solid waste ordinance and desires to amend it based on recommendations made by the Director of Public Works and the Board's Solid Waste Committee; and

WHEREAS, a public hearing has been duly advertised and held on these draft amendments;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby enacts the attached proposed amendments to Chapter 50, Solid Waste, to be effective immediately:

Article I. In General,
 Sec. 50-1: Definitions,
Article II. Collection and Disposal,
 Division 1. Generally,
 Sec. 50-36: Provided,
 Sec. 50-38: Origin of Refuse,
 Sec. 50-39: Disposal Charges,
 Division 2. Containers,
 Sec. 50-61: Use,
 Sec. 50-65: Transportation of rubbish,
 Sec. 50-66: Restrictions and limitations.

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

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the Orange County Landfill Fee Schedule as presented. Ayes: Abbs, Burkett, Frame. Nays: None. Absent: Wilson. Abstain: Goodwin.

RE: INFORMATION ITEMS

There were no items presented to the Board for its information at this time.

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

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

By consensus, the Board added June 15, 2010, as a Worksession for the Comprehensive Plan starting at 7:30 p.m. They also decided to start the meeting for June 22, 2010, at 6 p.m. instead of 7 p.m.

RE: CLOSED MEETING AUTHORIZATION

At 7:52 p.m., Chairman Frame asked Ms. Pandak to read the following resolution authorizing a Closed Meeting:

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

1. Assignment and performance of specific employees and legal advice related thereto (§2.2-3711.A.1 and 7 VA Code Ann.);

2. Consultation with legal counsel pertaining to probable litigation where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County (§2.2 – 3711.7 VA Code Ann.);

3. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially the financial interest of the governmental unit would be adversely affected; and legal advice related thereto (§§2.2-3711.A. 6 and 7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A.1, 6 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 aforestated matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 8:37 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.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 8:37 p.m. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.