

**BOARD OF SUPERVISORS MINUTES**

**JUNE 9, 2009**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 9, 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.

\*Supervisor Burkett entered the meeting at 4:23 p.m.

**RE: ADOPTION OF AGENDA**

Mr. Johnson moved, seconded by Mr. Goodwin and carried, to adopt the agenda as revised. Ayes: Johnson, Goodwin, Pace, Frame. Nays: None. Absent: Burkett.

**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:

<b>DEPT</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT</b>	<b>FUNDING SOURCE</b>
Office on Youth	Governors Substance Abuse	\$ 9,615.00	State Grant
<b>Subtotal Office on Youth</b>		<b>\$ 9,615.00</b>	
Tourism	Advertising	\$ 350.46	Sales Revenue
<b>Subtotal Tourism</b>		<b>\$ 350.46</b>	
Animal Shelter	Emergency Vet	\$ 5,926.72	Donations
Animal Shelter	Pet Food	\$ 411.25	Donations
Animal Shelter	Vaccinations	\$ 2,145.00	Donations
Animal Shelter	Animal Shelter Building	\$ 48.30	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 8,531.27</b>	
Sheriff	SWAT	\$ 1,000.00	Donations
Sheriff	Community Police Academy	\$ 1,070.00	Donations
Sheriff	Community Police Academy	\$ 805.00	Donations
Sheriff	Community Police Academy	\$ 840.00	Donations
<b>Subtotal Sheriff</b>		<b>\$ 3,715.00</b>	
Capital Projects	Water Reserve Project	\$ 8,000.00	Grant
<b>Subtotal Capital Projects</b>		<b>\$ 8,000.00</b>	
<b>Total, This Request</b>		<b>\$ 30,211.73</b>	
<b>Fiscal Year to Date Total</b>		<b>\$ 408,528.29</b>	

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	Circuit Court Clerk	Salary	99.83	A
Salary	Reserve for Raises	Circuit Court Clerk	FICA	7.64	A
Salary	Reserve for Raises	Circuit Court Clerk	Retirement	14.10	A
Salary	Reserve for Raises	Circuit Court Clerk	Group Life	1.00	A
Salary	Reserve for Raises	Circuit Court Clerk	Worker's comp	0.14	A
Salary	Reserve for Raises	Orange Fire & EMS	Salary	115.83	A
Salary	Reserve for Raises	Orange Fire & EMS	FICA	8.86	A
Salary	Reserve for Raises	Orange Fire & EMS	Retirement	16.36	A
Salary	Reserve for Raises	Orange Fire & EMS	Group Life	1.16	A
Salary	Reserve for Raises	Orange Fire & EMS	Worker's comp	7.43	A
Salary	Reserve for Raises	Parks and Recreation	Salary	112.17	A
Salary	Reserve for Raises	Parks and Recreation	FICA	8.58	A
Salary	Reserve for Raises	Parks and Recreation	Retirement	15.84	A
Salary	Reserve for Raises	Parks and Recreation	Group Life	1.12	A
Salary	Reserve for Raises	Parks and Recreation	Worker's comp	0.73	A
Salary	Reserve for Raises	Circuit Court Clerk	Salary	162.25	A
Salary	Reserve for Raises	Circuit Court Clerk	FICA	12.41	A
Salary	Reserve for Raises	Circuit Court Clerk	Retirement	22.91	A
Salary	Reserve for Raises	Circuit Court Clerk	Group Life	1.62	A
Salary	Reserve for Raises	Circuit Court Clerk	Worker's comp	0.22	A
Salary	Reserve for Raises	Sheriff	Salary	84.83	A
Salary	Reserve for Raises	Sheriff	FICA	6.49	A
Salary	Reserve for Raises	Sheriff	Retirement	11.98	A
Salary	Reserve for Raises	Sheriff	Group Life	0.85	A
Salary	Reserve for Raises	Sheriff	Worker's comp	1.46	A
Salary	Reserve for Raises	Finance	Salary	81.17	A
Salary	Reserve for Raises	Finance	FICA	6.21	A
Salary	Reserve for Raises	Finance	Retirement	11.46	A
Salary	Reserve for Raises	Finance	Group Life	0.81	A
Salary	Reserve for Raises	Finance	Worker's comp	0.11	A
Salary	Reserve for Raises	County Administration	Salary	15.95	A
Salary	Reserve for Raises	County Administration	FICA	1.22	A
Salary	Reserve for Raises	County Administration	Worker's comp	0.01	A

A Merit Increases for May

RE: MINUTES

The Board approved the following minutes as presented:

- May 12, 2009 Regular Meeting

- May 26, 2009 Regular Meeting

RE: RESOLUTION OF APPRECIATION - LINDA TIMMONS

**RESOLUTION OF APPRECIATION BY THE  
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA**

**WHEREAS**, Linda S. Timmons has served with distinction as Orange County's Clerk of the Circuit for the past 11 years; and

**WHEREAS**, Linda S. Timmons began her service to Orange County as Deputy Clerk to Henry C. DeJarnette in 1975. Mrs. Timmons served as Chief Deputy Clerk to Ulysses P. Joyner, Jr., when he was appointed to succeed Mr. DeJarnette in 1982; and

**WHEREAS**, Linda S. Timmons became the eighteenth Clerk of the Circuit Court of Orange County upon the retirement of Mr. Joyner in 1997, and is the first woman to serve in this capacity in Orange County; and

**WHEREAS**, during her tenure, Linda S. Timmons transitioned through many changes driven by the progression of the technology age; and was instrumental in the design of the newly constructed Courthouse which now stands as a symbol of history and justice in Orange County; and

**WHEREAS**, Linda S. Timmons has contributed to the community as an active member of the Rhoadesville Baptist Church and has served as its Choir Director for many years. Mrs. Timmons has played an active role in the Virginia Court Clerk's Association (VCCA), serving as its President in 2005-2006. She has also been a hard-working member of the Education Committee of the VCCA for many years as well as various other committees within the Association; and

**WHEREAS**, Linda S. Timmons, has been a conscientious and dedicated employee throughout her career and has earned the friendship, respect and gratitude of her fellow employees, staff, and citizenry; and

**WHEREAS**, Linda S. Timmons has left an indelible mark on Orange County by her service, example, and dedication to its citizens while preserving the historical records of Orange County; and

**WHEREAS**, Linda S. Timmons is retiring from the position of Clerk of the Circuit Court effective July 1, 2009, having served Orange County and its citizens for thirty-three years.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Supervisors wishes to express its sincere appreciation to Linda S. Timmons for her distinguished service to Orange County and its citizens for the past thirty-three years while serving in the Office of the Circuit Court Clerk and expresses its gratitude for the invaluable contributions she has made while serving the citizens of Orange County.

RE: RESOLUTION OF APPRECIATION - RUTH ANNE PAISLEY

**RESOLUTION OF APPRECIATION BY THE  
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA**

**WHEREAS**, in 1979, the Rappahannock Rapidan Planning District commissioned each county in Planning District 9 to complete a "Comprehensive Delinquency Prevention and Youth Development Needs Assessment and Plan"; and

**WHEREAS**, the Orange County Board of Supervisors appointed a task force to work on this

project. Upon completion of the project, one of the goals was to develop an ongoing committee to address all of the needs of youth and families in Orange County. In December, 1980, the Board of Supervisors appointed ten people to serve on the Orange County Youth Commission; and

**WHEREAS**, by 1987 the Commission realized that there was a need for full-time services for the community and applied for a state delinquency prevention grant through what is now the Department of Juvenile Justice. It was a matching grant with Orange County contributing 25%; and

**WHEREAS**, in July, 1987, the Orange County Office on Youth was established as a County agency by the Orange County Board of Supervisors with the Commission serving as a policy making Board; and

**WHEREAS**, Ruth Anne Paisley began her service to Orange County as the temporary, part-time Director of the Office on Youth when she was appointed in the Spring of 1988 and was appointed as the full-time Director in 1990; and

**WHEREAS**, Ruth Anne Paisley was instrumental in establishing Project EXCEL in all of the Orange County elementary schools. Project EXCEL received national recognition by the National Association of Counties (NACo) for the "Acts of Caring Award" in 2000 and again in 2001 with recognition breakfasts on Capitol Hill; and

**WHEREAS**, Ruth Anne Paisley was instrumental in establishing Breakfast Buddies, which is a mentoring program, in all of the Orange County elementary schools. Breakfast Buddies received national recognition by the National Association of Counties (NACo) for the "Acts of Caring Award" with an awards luncheon on Capitol Hill; and

**WHEREAS**, during her tenure, Ruth Anne Paisley has submitted and been awarded many grants on behalf of Orange County including: Partners in Prevention Grant, Fatherhood Grant (this grant initiated the Orange Fatherhood Group which remains very active today), the Virginia Tobacco Settlement Foundation Grant, the Summer Enrichment Grant, and the Dave Mathews Grant; and

**WHEREAS**, Ruth Anne Paisley, has been a conscientious and dedicated employee throughout her career and has earned the friendship, respect and gratitude of her fellow employees, staff, and citizenry; and

**WHEREAS**, Ruth Anne Paisley is retiring from the position of the Director of the Office on Youth effective July 1, 2009, having served Orange County and its citizens for twenty-one years.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Supervisors wishes to express its sincere appreciation to Ruth Anne Paisley for her distinguished service to Orange County and its citizens while serving in the Office on Youth and expresses its gratitude for the invaluable contributions she has made while serving the citizens of Orange County.

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

RE: PUBLIC APPEARANCES

RE: VDOT UPDATE

Don Gore, VDOT Residency Administrator, updated the Board on the status of current road projects in the County.

RE: UPDATE ON WATER SUPPLY PLAN

Tim Wagner of Wiley Wilson Associates, updated the Board on the status of the Water Supply Plan including: the need for a plan; regulations impacting water supply; water demands; intakes; existing land use; future land use; proposed population growth; water demand forecasting; possible alternatives; and recommended alternatives.

Discussion ensued including: approximate cost for the next phase of the plan; community wells; and the process for approval.

Andrea Putter, Department of Environmental Quality (DEQ) representative, explained the process for implementation of the supply plan at the DEQ level. She noted that the Plan is reviewed every five (5) years, and that at the end of ten (10) years, the County will need to resubmit the plan.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: CLOSED MEETING AUTHORIZATION

At 5:29 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.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:00 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. Johnson seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

Supervisor Pace asked whether the County Administrator had received an update regarding tax collection. Mr. Rolfe stated that, according to the Treasurer, the County has currently collected 1% more in 2009 than in 20058.

RE: ACTION ITEMS

RE: DRAPER ADEN ASSOCIATES - RENEWAL OF CONTRACT FOR SOLID WASTE CONSULTING SERVICES: KURT HILDEBRAND, DIRECTOR OF PUBLIC WORKS

Kurt Hildebrand, Director of Public Works, stated that on June 27, 2006, the Board authorized the County Administrator to execute an Agreement with Draper Aden Associates for professional services related to Solid Waste Management Consulting. He briefly reviewed the status of the task orders that had been authorized. Mr. Hildebrand reported that the agreement for consulting services will expire on June 29, 2009, noting that the agreement can be renewed for three additional one year terms. He stated that Draper Aden Associates has and continues to provide valuable service under the agreement. Therefore, staff recommends renewal of the agreement which will allow for completion of work currently underway and potential future work associated with the permitting of additional landfill cells.

Discussion ensued including: Task Order #11 (to be determined); landfill expansion; recycling expansion; valuation on collection centers; and review of completed task orders.

Mr. Johnson moved, seconded by Mr. Goodwin, authorizing the County Administrator to renew the Agreement for Professional Services Related to Solid Waste Management Consulting Services, between Orange County and Draper Aden Associates, for an additional one year term, effective June 29, 2009. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

The Board requested that Mr. Hildebrand provide a breakdown of overages and under-runs on completed task orders.

RE: DISCUSSION ITEMS

RE: LITTER PICK-UP BY THE CENTRAL VIRGINIA REGIONAL JAIL AUTHORITY

Mr. Rolfe stated that at the May 26, 2009 meeting, Mrs. Pace suggested that inmates at the Central Virginia Regional Jail (CVRJ) be used to pick up trash along Orange County roadways. He reported that he had contacted the Central Virginia Regional Jail regarding the possibility of litter collection by jail inmates. If the County is interested in pursuing this, the Central Virginia Regional Jail Authority will supply three to five inmates, including the guard, for \$30 per hour. The County will need to select the roads for clean-up, and then the jail will schedule the crew and bill the County at the end of each month.

Discussion ensued including: no funds budgeted for the service; and no complaints from

constituents. The Board indicated that it could revisit the issue if members received complaints from constituents or if a big event is planned in the County and the service would be needed.

RE: PROPOSED LETTER REGARDING THE ROUTE 29 CORRIDOR STUDY

At its meeting on May 26, 2009, the Board discussed drafting a letter to the Route 29 Corridor Study Committee stating its disagreement with the proposed plan. Chairman Frame asked Supervisor Pace to work with County staff to draft a letter for the Board's review.

By consensus, the Board approved the letter as presented.

RE: VACO ANNUAL CONFERENCE

Mr. Rolfe stated that it is time again to reserve rooms at the Homestead for the Virginia Association of Counties (VACo) Conference. He inquired whether any Board members were planning to attend so that reservations could be made. Chairman Frame and Supervisor Pace stated that they were planning to attend the conference.

RE: PENDING ITEMS

Chairman Frame added this item to the agenda for discussion. He explained that he had compiled a list of pending items that needed to be addressed by the Board, so he wanted to set a date to discuss the list. Staff distributed a copy of the pending items list to each of the Board members.

The following action was taken by a consensus of the Board:

- Culpeper Soil and Water Conservation District – TMDL Implementation Plan: the Board requested that this item be added to the June 30, 2009 agenda for further discussion;
- Adopt-A-Highway Volunteers: the Board requested that staff draft a letter, for its review, thanking the volunteers for their service to the County;
- Purchase of Development Rights Ordinance: the Board requested that this item be put on the back burner until the Zoning Ordinance is completed;
- Sample Lighting and Noise Ordinances: the Board requested that this item be put on the back burner until the Zoning Ordinance is completed; and
- Unimproved Land Not Zoned Agricultural: the Board requested that this item be added to the August agenda for further discussion.

RE: PUBLIC HEARINGS

RE: PROPOSED TAX EXEMPT STATUS – THE ORANGE ARTS CENTER, INC.

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 Tax Exempt status, pursuant to §58.1-3651 VA Code Ann., for property owned by The Orange Arts Center, Inc. tax map no 044A2003700040. Parcel 1 DB 122, Book 304-125, Page 48 and Parcel 2 Deed Book 121, Page 92.

For 2009 the assessed value of the real property for which the exemption is sought will be \$504,300. No tangible personal property of The Orange Arts Center, Inc.

was assessed in 2009. The approximate value of County real estate taxes for 2009 on these two parcels will be \$2,370 to the County of Orange.

Chairman Frame opened the floor for public comment at 7:33 p.m. There being none, the public hearing was closed.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to adopt the following ordinance granting tax exempt status to property owned by The Arts Center in Orange, Inc.:

**ORDINANCE TO EXEMPT REAL PROPERTY OWNED BY THE ORANGE COUNTY  
ARTS CENTER, INC. FROM TAXATION**

**WHEREAS**, The Orange County Arts Center, Inc., an IRS § 501(c)(3) tax-exempt nonprofit organization, has petitioned the Board of Supervisors to exempt from taxation certain real property pursuant to Article X, § 6(a)(6) of the Constitution of Virginia; and

**WHEREAS**, § 58.1-3651 VA Code Ann. sets forth the procedure, including adoption of an ordinance, by which the Board may designate property as tax exempt, establishes certain requirements for a public hearing concerning the adoption of such an ordinance, and sets forth certain questions and materials to be considered prior to the adoption of such an ordinance; and

**WHEREAS**, the Board, after due notice and conduct of a public hearing, has considered the questions and materials set forth in § 58.1-3651(B) VA Code Ann., has reviewed the information provided by The Orange County Arts Center, Inc., and has determined that the petition for the proposed exemption from taxation should be granted;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Orange County, Virginia, that:

1. In accordance with § 58.1-3651(A) VA Code Ann., the Board designates The Orange County Arts Center, Inc., as a nonprofit organization, operating with charitable, patriotic, cultural and historical purposes within the context of Article X, § 6(a)(6) of the Constitution of Virginia; and
2. In accordance with § 58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the real property located in Orange County with Tax Map No. 044A2003700040, owned by The Orange County Arts Center, Inc., and used by it exclusively for charitable, patriotic, cultural and historical purposes; and
3. Pursuant to §58.1-3605 VA Code Ann., The Orange County Arts Center, Inc., shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next 60 days preceding the tax year for which such exemptions, or the retention thereof, is sought; and
4. The clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to The Orange County Arts Center, Inc.; and
5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which The Orange County Arts Center, Inc., is designated; and
6. This ordinance shall become effective upon adoption so that the tax exempt status can be recognized for tax year 2010.



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

RE: SUP 09-02: VIRGINIA TRACTOR RENEWAL REQUEST

Chairman Frame called the public hearing to order at 7:34 p.m. to receive comments on the following:

- **SUP 09-02:** An application from VA Tractor to renew **SUP 08-02**, a Special Use Permit to establish an agricultural equipment and implement dealership, including maintenance and repair of said equipment and implements, to include temporary and then permanent structures and associated signage on tax map number 57-61. This request would also extend the expiration date to two years. The property is located on State Route 15 near and adjacent to the entrance to the Thomas E. Lee Industrial Park. The proposed site is zoned Agricultural and consists of 11 acres.

Ann Lawrence Grasty, applicant, updated the Board on the status of the project.

At 7:35 p.m. Chairman Frame opened the floor for public comment.

W. W. "Monk" Sanford, III, 14387 Kenwood Lane, Orange, spoke in support of the application. There being no additional speakers, Chairman Frame closed the public hearing at 7:36 p.m.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to accept the recommendation of the Planning Commission and approve SUP 09-02 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS CONTINUED

RE: PENDING ITEMS CONTINUED

Mr. Goodwin stated that he will be absent from the July 14, 2009 Board of Supervisors meeting. Therefore, the Board requested that discussion regarding the composition of the Planning Commission be added to its June 30, 2009 agenda for full Board member participation.

RE: ATHEY-VOGEL COMMITTEE

Discussion ensued among the Board regarding the proposed House and Senate Bills mandating the replacement of cash proffers with impact fees and the designation of Urban Development Areas including: unfunded mandates; the importance of sending letters to legislators; impact fees versus cash proffers; urban development area concept and requirements.

By consensus, the Board asked the County Attorney and the Director of Strategic Planning to draft a letter to members of the High Growth Coalition committee; legislators; and to each locality (County Administrator and Board Chairman) stating that the proposed legislation limits and restricts the County's ability to manage its own growth.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report as prepared by Phyllis M. Yancey, Treasurer.

RE: CALENDAR

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved to adjourn the meeting at 8:43 p.m. Mrs. Pace seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.