

BOARD OF SUPERVISORS MINUTES

JULY 13, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 13, 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. 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 Mrs. Abbs and carried, to adopt the agenda as revised.

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	\$103.46	Security Work Revenue
Sheriff	Security Work	\$34.48	Security Work Revenue
Sheriff	Security Work	\$3,418.40	Security Work Revenue
Sheriff	Security Work	\$1,075.40	Security Work Revenue
Sheriff	Security Work	\$73.55	Security Work Revenue
Sheriff	Repair to Vehicle	\$2,556.00	Sale of Vehicle GovDeals
Subtotal Sheriff's Office		\$7,261.29	
Airport	Terminal Construction	\$(49,515.52)	Reduction in Grant
Subtotal Airport		\$(49,515.52)	
Total this request		\$(42,254.23)	
Total Year to Date		\$2,038,331.41	

RE: MINUTES

The Board approved the following minutes, as presented:

- June 8, 2010 Regular Meeting;
- June 15, 2010 Special Meeting – Comprehensive Worksession.

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

RE: LANDFILL TIPPING FEE CONTRIBUTION REQUEST – ORANGE COUNTY FAIR ASSOCIATION

Supervisor Burkett requested that this item be pulled from the consent agenda. He requested that all future contribution requests be considered as action items instead of the consent agenda.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve a request from the Orange County Fair Association for a contribution toward landfill tipping fees associated with the Orange County Fair, scheduled for July 22 – 25, 2010. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ACTION ITEMS

RE: JOINT PLANNING AREA (JPA) LETTER FOR BOARD OF SUPERVISORS REVIEW

Debbie Kendall, Interim Planning Director, commented on suggestions she had prepared per the Board's request regarding goals for the Joint Planning Area.

Discussion ensued including: the Town of Orange cooperation and participation with the County; the history of the JPA Committee; and whether the Joint Planning Area should be discussed at the Planning Commission level.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to abolish the County's participation in the Joint Planning Area. Ayes: Abbs, Burkett, Wilson, Frame. Nays: Goodwin.

RE: DELTA AIRPORT CONSULTANTS PROPOSED AMENDMENT NO. 9 – FUEL FARM RELOCATION

Kurt Hildebrand, Director of Public Works, stated that during the budget process, discussion was held regarding the need for relocation of the fuel farm at the Airport. He indicated that the new Airport Terminal should be completed by early November, 2010; however, it is not clear as to when the fuel farm will be relocated to the new terminal. To avoid potential delays, Delta Airport Consultants has prepared a proposed amendment to their base contract for design and bidding of the relocation project. He noted that the proposal has been sent to the Virginia Department of Aviation for review and that he has requested their consideration for a tentative allocation of funds for the proposed project. Mr. Hildebrand reported that the County Attorney has reviewed the proposed amendment and finds it acceptable as to form.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize the County Administrator to execute Delta Airport Consultant's Amendment #9, Relocate Fuel Farm (Design Phase). This Amendment and all future activities related to this project shall be contingent on successful application and approval of grant funds from the Virginia Department of Aviation (DOAV). Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: EASTERN AVIATION FUEL SUPPLIER AGREEMENT AT THE AIRPORT

Kurt Hildebrand, Director of Public Works, stated that Orange County entered into an Aviation Fuels Contract with Eastern Aviation Fuels, Inc., on August 1, 2003. That contract held an initial term of five (5) years and allows for successive twelve (12) month extensions thereafter unless and until terminated by either party. He reported that Eastern Aviation Fuels, Inc., continues to provide competitive pricing that in turn allows the Orange County Airport fuel prices to be attractive to both locally based, as well as, transient aircraft. Mr. Hildebrand concluded by saying that staff recommends that the agreement be extended twelve (12) months as provided in the original contract.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute amendments to renew the contract with Eastern Aviation Fuels, Inc., extending the agreement date to July 31, 2011, as provided in the original contract dated August 1, 2003. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: RESOLUTION TO APPROVE REVISION TO DOGWOOD VILLAGE ESCROW AGREEMENT – CHANGING THE ESCROW AGENT

Ms. Pandak briefly reviewed the proposed revision to the Escrow Agreement with Dogwood Village Foundation regarding a change to the Escrow Agent. She stated that the Nursing Home Commission has reviewed and approved the agreement.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the following

resolution as presented:

APPROVE REVISION TO DOGWOOD VILLAGE ESCROW AGREEMENT
CHANGING THE ESCROW AGENT

WHEREAS, the Board of Supervisors and Dogwood Village Foundation have concluded that it is financially prudent to change the Escrow Agent for purposes of the Memorandum of Understanding between the parties for the funding of the improvements to Dogwood Village; and

WHEREAS, Dogwood Village Foundation has recommended that the new Escrow Agent be Richard K. Wilkinson, Esq., has agreed to bond Mr. Wilkinson's activities as Escrow Agent, and has provided documents which have been approved by bond counsel and the County Attorney; and

WHEREAS, the Board of Supervisors does not object to Mr. Wilkinson serving as Escrow Agent;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby approves the attached revised Escrow Agreement and Richard K. Wilkinson as Escrow Agent and authorizes its Chairman to execute the Agreement on its behalf.

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

RE: JOYCE ENGINEERING CONTRACT RENEWAL

Ms. Jordan stated that in order to maintain compliance with the Department of Environmental Quality (DEQ) the Landfill is required to monitor groundwater. To satisfy the DEQ requirements, the Board previously approved a contract with Joyce Engineering in 2006 to provide groundwater and gas monitoring services at the Landfill through December 31, 2008. She explained that the contract allows for three one year renewals beyond the initial contract period. Joyce Engineering has maintained the same overall pricing which provides for the following services annually:

Annual Groundwater Compliance Monitoring and Reporting	\$49,200
Corrective Action Program for Groundwater Sampling and Analysis	5,000
Annual Landfill Gas Monitoring and Reporting	<u>2,600</u>
	\$56,800

Ms. Jordan concluded by saying that staff is satisfied with the services performed by Joyce Engineering and would like to continue this contract through June 30, 2011.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the contract renewal with Joyce Engineering in the amount of \$56,800 for Groundwater and Gas monitoring through June 30, 2011 as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: WORKERS COMPENSATION POLICY RESOLUTION

Ms. Jordan stated that historically the County has covered elected officials on its Workers' Compensation Plan through VACo Insurance. Recently, it was brought to our attention that we do not currently have a resolution on file stating that the coverage includes elected officials. Therefore, a resolution has been drafted to satisfy the requirements to allow for elected officials, including the Board of Supervisors.

Ms. Pandak stated that the resolution needs to include the Electoral Board as well.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the following resolution as amended:

APPROVAL OF WORKERS' COMPENSATION POLICY RESOLUTION

WHEREAS, pursuant to the Code of Virginia §2.2-2905, the Workers' Compensation Act does not automatically provide coverage for elected officials, including the Electoral Board and the Board of Supervisors;

WHEREAS, if this coverage is desired for elected or appointed officials, a resolution defining these officials as employees for the purposes of workers' compensation coverage must be adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorizes the Treasurer; Commissioner of the Revenue; Commonwealth Attorney; Sheriff; Clerk of the Circuit Court; Electoral Board and the Board of Supervisors to be included as employees for the purposes of the Workers Compensation Act of the Commonwealth of Virginia and are entitled to coverage provided under said Act.

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

RE: GENERAL RELIEF – SOCIAL SERVICES

Karen Karasinski, Finance Director, explained that in fiscal year 2010, Social Services received General Relief funding to pay 50% of the burial cost for individuals meeting certain criteria. The County matched the funds with \$500 local funds for a total of \$1,000 to pay the funeral home. She indicated that various funeral homes in the County participate in the program to provide discounted burial costs and accepted \$1,000 as payment in full. Mrs. Karasinski reported that effective July 1, 2010, General Relief is no longer available. She stated that if the Board is interested in continuing the program with 100% local funds, then the Social Services Department is willing to screen the applicants and submit payment requests to the County for processing. Based on the current reimbursement rate, it is estimated that the program will require \$4,000 to \$6,000. Mrs. Karasinski stated that the amount paid to funeral homes has not been increased to help offset the cost. She concluded by saying that the fiscal year 2011 budget did not include an appropriation for the program. She indicated that sufficient funds exist (\$37,078) in the FY10 contingency if the Board would like to carry over budget the fund the program in fiscal year 2011. Mrs. Karasinski noted that Bob Lingo, Director of Social Services, mentioned that County staff may want to negotiate a reasonable increase to the various funeral homes for the Board's consideration.

Discussion ensued including: the number of general relief burials per year; the criteria to receive general relief; cremation costs versus burial costs; and the need for a formal process.

By consensus, the Board requested that staff meet with representatives from the Social Services Department; and the Sheriff's Office to further discuss the issue and report back to the Board with proposed options.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Frame nominated Selven Powell as one of the District Five representatives on the Library Board filling the unexpired term of Peter Rainey, with said term expiring June 30, 2012.

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

RE: DISCUSSION ITEMS

RE: RURITAN SIGN AND FEE WAIVER REQUEST

Ms. Jordan stated that she recently spoke with Perry Marshman, President of the East Orange Ruritan Club regarding their plans to add additional signage to the Community Center. They would like to attach a 4' x 16' (64 square feet) sign to the building. The proposed sign is too large per the County Zoning Ordinance on an agriculturally zoned parcel. Therefore, they must appear before the Board of Zoning Appeals prior to erecting the sign. Ms. Jordan explained that the Ruritan Club is requesting the following:

1. As the landowner, they need to get the County's approval before requesting a Special Exception to the Zoning Ordinance.
2. If it is satisfactory with the Board to proceed, they would like the \$100 application fee be waived.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to approve as landowner the signage as proposed by the Ruritans for which they will request an exemption from the Board of Zoning Appeals and to approve a contribution of \$100 to the Ruritans to cover the processing fee for the Special Exception. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: SHELTERING ARMS

Ms. Jordan reported that she had received a phone call regarding financial needs at the Sheltering Arms homeless shelter.

Bob Lingo, Director of Social Services, stated that Sheltering Arms currently had \$500 in the bank and the grant funds that they had previously obtained had been cut from \$108,000 to \$50,000. The grant funds will not arrive until September and the cost per month to operate the shelter is \$20,000.

Chairman Frame stated that he supports the shelter and doesn't want to see it close or miss payroll. He requested that the Sheltering Arms Board of Directors present a plan to the Supervisors.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to give \$20,000 to Sheltering Arms to assist with their financial hardship and have their Board of Directors present a financial plan to the Board of Supervisors at a future meeting. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: LANDFILL FEES

Supervisor Burkett requested that this item be added to the agenda. He explained a recent experience at the Landfill. He stated that he didn't understand how the discussion went from charging the two towns to charging citizens. He indicated that landfill employees were going through the trash coming into the Landfill. He stated that a landfill employee yelled that he shouldn't have made changes without advertising the changes to the citizens. He concluded by saying that the County needs to cut down restrictions and the size of government.

Mrs. Abbs stated that the County needs to look at saving money. Mr. Burkett stated that there are County departments that can be combined. Mr. Frame asked Mr. Burkett, with regard to the new landfill fees, were there specific changes that he would like to make. A brief discussion ensued.

No action taken.

RE: RECESS FOR DINNER: JOINT MEETING WITH THE ORANGE COUNTY AIRPORT COMMISSION

The Board recessed at 5:29 p.m. for a joint dinner meeting with the Airport Commission at the Orange County Airport.

Discussion ensued including: update on the terminal building; making the Airport self sufficient; flight training programs; Airport lifeline; September 11th impact on flight training; car rental; Airport Layout Plan; airplane mechanic and the need to market the space for an airplane mechanic as the new terminal doesn't allow for a mechanic.

The meeting concluded with a tour of the new terminal building at 6:30 p.m.

Supervisor Wilson left the meeting at 6:35 p.m.

RE: PUBLIC COMMENT

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

- V. Rea Jones, commended the Board on the passage of the budget and requested clarification of on the subdivision of land.
- George Johnson, commented on stimulus funds and inquired about getting the gravel portion of Indiantown Road paved.

RE: DISCUSSION CONTINUED

RE: NATIONAL TRUST VS. ORANGE COUNTY UPDATE

Ms. Pandak updated the Board on the status of the Wal-mart suit. She reported that the next court date has been scheduled for August 13, 2010. With respect to the trial date, the counsel for the Plaintiff indicated that they would be ready to go to trial the second week in November and she stated that the County wanted to go to trial as soon as possible, so the second week in November would be fine. She stated that the judge made no commitment to that.

RE: ORANGE YOUTH SPORTS FOUNDATION REQUEST TO CHANGE THE PARK NAME

Mrs. Abbs indicated that there had been some hurt feelings due to the recent name change of Booster Park to the Orange Youth Sports Complex. Therefore, the Orange Youth Sports Foundation would like to call the park Orange Sports Complex at Booster Park.

Mr. Burkett moved, seconded by Mr. Goodwin and carried to change the name of the Orange Youth Sports Complex to the Orange Sports Complex at Booster Park. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Memo – Education on Disposal Options for Landfill; and
- Letter from Circuit Court Clerk Regarding Delinquent Tax Suit.

RE: COMMITTEE REPORTS

There were no committee reports at this time.

RE: CALENDAR

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

RE: BOARD COMMENT

Supervisor Burkett commented on the fee for up-zoning versus down-zoning property. He stated that there is a hefty fee for up-zoning; however, the same fee is imposed for down-zoning which requires virtually no County expense. He requested more information regarding why the fees are the same.

By consensus, the Board requested staff to review the ramifications including: the activities required for up-zoning/down-zoning property; and the revenue stream affected.

RE: CLOSED MEETING AUTHORIZATION

At 7:41 p.m., Ms. Pandak read the following resolution authorizing 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.);

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

RE: CERTIFICATION OF CLOSED MEETING

At 8:19 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, Frame. Nays: None. Absent: Wilson.

RE: ACTION FOLLOWING CLOSED MEETING – APPROVAL OF AGREEMENT WITH COUNTY ADMINISTRATOR

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

APPROVAL OF AGREEMENT WITH COUNTY ADMINISTRATOR

WHEREAS, the Board of Supervisors of Orange County appointed Julie G. Jordan as County Administrator on January 5, 2010; and

WHEREAS, an agreement sets forth the terms of Ms. Jordan's employment and Ms. Jordan agrees with those terms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County hereby approves the agreement, and authorizes the Chairman to execute it on the Board's behalf.

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

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 8:24 p.m. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: None. Absent: Wilson.