

BOARD OF SUPERVISORS MINUTES

AUGUST 24, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, August 24, 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; and Shannon C. Abbs. Absent: Zack Burkett; and Grover C. Wilson. Also present: Julie G. Jordan, County Administrator; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to adopt the agenda as amended. Ayes: Abbs, Goodwin, Frame. Nays: none. Absent: Burkett, Wilson.

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mrs. Abbs 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
Animal Shelter	Emergency Vet	\$ 782.00	Donations
Animal Shelter	Vaccinations	\$ 1,300.00	Donations
Subtotal Animal Shelter		\$ 2,082.00	
Sheriff	Firing Range	\$ 1,500.00	Donations
	Triad Guardian		
Sheriff	Pendants	\$ 520.00	Donations
Subtotal Sheriff		\$ 2,020.00	
Total this request		\$ 4,102.00	
Total Year to Date		\$ 49,833.44	

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	line
Human Resources	Position Reclass	E911	Salaries	3,456.50	A

A - Additional funds needed to compensate the E911 Manager position.

RE: FY2010 CARRY FORWARD REQUESTS

The Board authorized staff to amend the fiscal year 2011 County budget in the amount of \$860,617.11 as presented.

RE: MINUTES

The Board approved the following minutes, as presented:

- July 13, 2010 Regular Meeting; and
- July 27, 2010 Regular Meeting.

RE: CLARKS MOUNTAIN TOWER LICENSE AGREEMENT

The Board approved the Second Amendment to License Agreement for the Clarks Mountain site between American Towers, Inc. and the County of Orange as presented.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

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

RE: UDA/TDR SEMINAR OVERVIEW

Kevin McMahan, Planner, briefed the Board on the Planning and Zoning Law Seminar which he recently attended including: the purpose of compact development; advantages; disadvantages; cluster developments; urban development areas; new urbanism; Transfer of Development Rights (TDR) Program; VA Code features of TDR Ordinance – mandatory and encouraged; tax impact of TDR's; success factors for TDR's; potential obstacles and solutions for TDR's; TDR advantages for developers; design of TDR Program; and additional duties as a result of a TDR Program.

RE: BOARD COMMENT

Chairman Frame opened the floor for Board comment. There being none, he moved on to the Action Items.

RE: ACTION ITEMS

RE: DELTA AIRPORT CONSULTANTS – CONTRACT AMENDMENT #11

Kurt Hildebrand, Director of Public Works, reported that the new Airport Terminal Project is well underway and progressing ahead of schedule. The grant that the County applied for and received is actually broken into four separate grant documents, as some items fall under different and unique categories. The four grants include:

- Construct Terminal, Project #CS0037-15;
- Terminal Site Prep, Project #CS0037-13;
- Install Antenna Tower and Beacon, Project # FE0037-11; and
- Terminal Lighting and Security, Project # VS0037-05.

Mr. Hildebrand explained that at the time of bid advertisement, the Antenna Tower and Beacon design was not complete, therefore, it was not included as part of the "base bid". The intent was to add this activity as a change order after the scope was complete. He explained that the budget estimate used to secure the grant funding for the proposed work was \$50,000, to include the design and construction. The actual amount totaled \$54,575 including: Design - \$4,393 (Delta) and Construction - \$50,182 (Leipertz). Mr. Hildebrand noted that the overrun has been submitted to the Department of Aviation (DOAV) and the grant amount will be amended to cover the cost. He further noted that the proposed work is covered under a security grant that is divided 80% DOAV and 20% Local. The result is that the local share of the overrun is \$915 (20% of \$4,575). He concluded that the proposed Delta Amendment #11 replaces Amendment #7 – Revision #2, increasing the Delta contract amount from \$220,677 to a new amount of \$225,070.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to execute Amendment #11 with Delta Airport Consultants, Inc., increasing the contract amount from \$220,677 to \$225,070. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: BARBOURSVILLE PARKING LOT

Kurt Hildebrand, Director of Public Works, reported that the existing gravel drive and parking area that serves visitors to the Four County Players, the Ruritan building and the park facilities is in less than ideal condition. The Department of Public Works has provided stone and cold patch from time to time to fill in potholes, but the potholes reoccur and will continue to be an ongoing problem. He stated that the staff of the Four County Players has acquired a quote for grading and paving of the lot. He indicated that the quote includes a base bid and two alternates. The base bid provides for prep, stone and either surface treatment or asphalt. Assuming the choice to be asphalt, the cost to pave the existing lot as currently configured would be \$20,950. The two alternatives provide for additional paved parking areas and if both alternatives plus the base were to be accepted, the total cost would be \$35,020. He stated that the quote and the need for two additional quotes, if the expected cost is under \$30,000, and if above \$30,000, he explained that they would need to advertise for the project. Mr. Hildebrand concluded by saying that there are remaining funds from the Barboursville Post Office Project totaling \$38,212, should the Board wish to proceed with the proposed project.

By consensus, the Board authorized the Director of Public Works to proceed with getting estimates for the base parking lot and Alternate One of the proposed parking lot upgrades at the Barboursville Community Center and report back to the Board with the estimates.

RE: RESTRUCTURE OF PART-TIME FUNDING

Tom Joyce, Assistant Chief Operations, stated that the Fire and EMS Department was requesting to restructure its full-time and part-time funding. He explained that the current part-time funding for the 2011 fiscal year is \$74,930. The Department would like to propose a reduction to this amount by hiring one full-time position to work a 40 hour work week (4/10 hr days) in the amount of \$48,408. The remaining balance in the part-time line of \$26,522 would be used to fund three part-time personnel working four 10 hour shifts per week. This would be a reduction from the seven part-time employees currently filling this role. He indicated that additional savings from the proposed change would include reduced expenses for protective clothing, uniforms and training requirements. Mr. Joyce concluded by saying that the staffing changes will end with an increase of one full-time equivalent for a total of 32 full-time Firefighter/Medic positions and a reduction of .94 part-time equivalents for a total of one part-time Firefighter/Medic position.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the proposed restructuring of the Fire & EMS Department, effective September 1, 2010, as presented. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: PERSONAL PROPERTY TAX RELIEF ACT (PPTRA)

Ms. Jordan stated that, in accordance with the County ordinance, staff has reviewed the actual personal property tax revenues to be received in the 2010 calendar year and compared those to the budgeted PPTRA funds expected from the State. It has been determined that the personal property tax relief available in the 2010 tax year to be 45%. The calculation was done with actual assessment values from the Commissioner of the Revenue. Ms. Jordan explained that historically, the percentage of relief provided has been 70%, 63% 56%, 52%, and 47% figures for 2005, 2006, 2007, 2008 and 2009 respectively. She indicated that the revenue received from the State has remained constant for all years. She concluded by saying that implementation of the 45% relief for 2010 would require a resolution by the Board.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to approve the following resolution to enact the specific relief method as personal property tax relief for calendar year 2010 at the rate of 45%:

PERSONAL PROPERTY TAX RELIEF ACT (PPTRA)

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles; and

WHEREAS on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS the Orange County Commission of the Revenue, Orange County Treasurer and the Orange County Finance Director has calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 45% rather than the 47%.

NOW THEREFORE BE IT RESOLVED by the Orange County Board of Supervisors as follows:

- 1) In accordance with the current State requirements for PPTRA, any qualifying vehicle situated within the County commencing January 1, 2010, shall receive personal property tax relief in the following manner:
- 2) Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- 3) Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 45% tax relief;
- 4) Personal use vehicles valued at \$20,001 or more shall only receive 45% tax relief on the first \$20,000 of value; and
- 5) All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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

RE: APPROVAL OF SETTLEMENT – BOARD OF SUPERVISORS V. S & J PARTNERSHIP et al, CL 06-266

Brandi A. Law, Associate with Greehan, Taves, Pandak, and Stoner, reported that agreement has been reached on compensation for condemnation of Right-of-Way (ROW) for improvements to Route 711 in the vicinity of the Wilderness Shores Subdivision. Tricord, Inc. has agreed to make improvements to Route 711 at the entrance into the subdivision. She indicated that additional ROW is necessary for these improvements. Tricord guaranteed to reimburse the County for the cost of condemning the necessary ROW, and an escrow account has been established in the Finance Department. Title to the land was taken by a quicktake condemnation and the anticipated value of the land was paid into the Court. Ms. Law stated that the former County Attorney retained Francis Cherry as outside counsel to handle the condemnation. She reported that Mr. Cherry and counsel for Ralph Jewell, the principal of S & J Partnership have reached agreement. Tricord has agreed to the settlement. The agreed value of the property is \$20,000. A payment of \$11,000 will be made into the Court, in addition to the \$9,000 previously

deposited. Ms. Law concluded by saying that a court hearing will be held before the sum is disbursed in order to determine who is due the money as both Mr. Jewell and Tricord claim the funds.

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

**RATIFY SETTLEMENT OF *BOARD OF SUPERVISORS v. S & J PARTERSHIP*,
CL 06-266 (Condemnation of ROW for Rt. 711)**

WHEREAS, Tricord, Inc. has agreed to make improvements to Rt. 711 at the entrance of Wilderness Shores Subdivision, and additional right-of-way is needed for these improvements for which Tricord agreed to reimburse Orange County; and

WHEREAS, a quicktake condemnation was done in order to secure title to the ROW and establish compensation for the property; and

WHEREAS, the parties have agreed to compensation in the amount of \$20,000 and, therefore, no trial is required;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby ratify settlement of the condemnation suit for compensation of the owners in the total amount of \$20,000 to be paid/reimbursed by Tricord, Inc.

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

RE: ENHANCED 911 COMPUTER AIDED DISPATCH UPGRADE

Gene Stewart, E911 Manager, reported that New World Systems (NWS) is the Enhanced 911 (E911) Center's Computer Aided Dispatch (CAD) software provider. Mr. Stewart explained that the CAD software integrates data from the 911 telephone lines, maps, and the Emergency Medical Dispatch program. Alert notifications are sent to first responders via the CAD's paging notification feature. The CAD provides the E911 dispatchers with unit recommendations. Mr. Stewart stated that the approximate cost for the proposed upgrades is \$65,000, and it is staff's recommendation to upgrade the existing CAD system. He indicated that if it is not upgraded, the system will eventually cease to function and will lack the technical support needed for malfunctions. Mr. Stewart concluded by saying that, should the Board concur with the upgrades, any remaining funds upon completion of the project would be returned to the General Fund.

Ms. Jordan noted that the proposed funds would be handled as a carry forward from the E911 FY09-10 budget to the FY 10-11 budget.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute the New World Systems contract which has been reviewed and approved by the County Attorney. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: PRESBYTERIAN CHURCH CONTRIBUTION REQUEST

Ms. Jordan stated that she had received a letter from the Orange Presbyterian Church stating that they are planning to increase the parking area which will require the demolition of an abandoned two-story house located at 193 Brooking Street. They are requesting a waiver of landfill tipping fees from the County for disposal of the debris from the demolition project. Ms. Jordan concluded by saying that the approximate cost for disposal of the debris can range from \$2,000 - \$5,000.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to authorize a contribution to

the Orange Presbyterian Church in the same amount as tipping fee charges to be charged by the Landfill for the disposal of debris from the demolition project of the abandoned two story house located at 193 Brooking Street, Orange. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: RAPIDAN RIVER BASIN COMMISSION CONTRIBUTION

Supervisor Abbs requested that the Board reconsider its decision regarding funding to the Rappahannock River Basin Commission. She stated that Orange County needs to participate with the River Basin Commission and have "a seat at the table".

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to make a contribution for \$1,000 from the contingency fund for participation with the Rappahannock River Basin Commission. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mrs. Abbs nominated Ann Riordan for reappointment as an At-Large representative to the Orange County Youth Commission for a four year term, with said term expiring September 20, 2014. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.

RE: COMMITTEE REPORTS

Chairman Frame updated the Board on the status of the new Escrow Account for Dogwood Village; and Solid Waste Disposal Fees. He indicated that a recommendation from the Solid Waste Subcommittee would be forthcoming to the Board for consideration.

RE: CALENDAR

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

By consensus, the Board scheduled Comprehensive Plan Worksessions on September 21, 2010 and October 19, 2010 beginning at 7:00 p.m.

By consensus, the Board requested that staff schedule a tour of the new eastern middle school on September 28, 2010, prior to the Board of Supervisors Meeting at 7:00 p.m. at Lake of the Woods Clubhouse.

Supervisor Abbs stated that the Orange County Activities Association was selling tickets to assist with high school sporting events.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 8:12 p.m. Ayes: Abbs, Goodwin, Frame. Nays: None. Absent: Burkett, Wilson.