

BOARD OF SUPERVISORS MINUTES

AUGUST 25, 2009

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, August 25, 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; and Zack Burkett. Absent: Teri L. Pace. Also present: Julie G. Jordan, Acting 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 revised. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.

RE: CONSENT AGENDA

Mr. Goodwin 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:

ACCOUNT				Funding Source
DEPT	DESCRIPTION	AMOUNT		
Animal Shelter	Emergency Vet	\$ 1,000.00		Donation
Subtotal Animal Shelter		\$ 1,000.00		
Total this request		\$ 1,000.00		
Total Year to Date		\$ 29,834.85		

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	
2009 for FY2009					
OFEMS	Proficiency Pay	Legal Services	Surveys	8,160.00	A
OFEMS	Workers Comp	Legal Services	Surveys	13,540.95	A
Human Resources	Res Position Reclass	Legal Services	Surveys	1,784.85	A
2009 for FY2010					
Salary	Merit Wedge	Commissioner of Rev	Salary	724.00	B
Salary	Merit Wedge	Commissioner of Rev	FICA	55.39	B
Salary	Merit Wedge	Commissioner of Rev	Retirement	105.41	B
Salary	Merit Wedge	Commissioner of Rev	Group Life	6.44	B
Salary	Merit Wedge	Commissioner of Rev	Workers Comp	1.16	B
Salary	Merit Wedge	Treasurer	Salary	4,121.96	B
Salary	Merit Wedge	Treasurer	FICA	315.33	B
Salary	Merit Wedge	Treasurer	Retirement	600.16	B

Salary	Merit Wedge	Treasurer	Group Life	36.69	B
Salary	Merit Wedge	Treasurer	Workers Comp	6.60	B
Salary	Merit Wedge	Finance	Salary	4,799.04	B
Salary	Merit Wedge	Finance	FICA	367.13	B
Salary	Merit Wedge	Finance	Retirement	698.74	B
Salary	Merit Wedge	Finance	Group Life	42.71	B
Salary	Merit Wedge	Finance	Workers Comp	7.68	B
Human Resources	Position Reclass.	Information Tech	Salary	15,304.00	C
Human Resources	Position Reclass.	Information Tech	FICA	1,170.76	C
Human Resources	Position Reclass.	Information Tech	Retirement	2,228.26	C
Human Resources	Position Reclass.	Information Tech	Group Life	136.21	C
Human Resources	Position Reclass.	Information Tech	Workers Comp	24.49	C
Salary	Merit Wedge	Sheriff-Courts	Salary	1,149.26	B
Salary	Merit Wedge	Sheriff-Courts	FICA	87.92	B
Salary	Merit Wedge	Sheriff-Courts	Retirement	167.33	B
Salary	Merit Wedge	Sheriff-Courts	Group Life	10.23	B
Salary	Merit Wedge	Sheriff-Courts	Workers Comp	1.84	B
Salary	Merit Wedge	E911	Salary	13,654.27	B
Salary	Merit Wedge	E911	FICA	144.55	B
Salary	Merit Wedge	E911	Retirement	1,988.06	B
Salary	Merit Wedge	E911	Group Life	121.52	B
Salary	Merit Wedge	E911	Workers Comp	21.85	B
Salary	Merit Wedge	OFEMS	Salary	24,457.16	B
Salary	Merit Wedge	OFEMS	FICA	1,728.70	B
Salary	Merit Wedge	OFEMS	Retirement	3,290.17	B
Salary	Merit Wedge	OFEMS	Group Life	201.12	B
Salary	Merit Wedge	OFEMS	Workers Comp	36.16	B
Salary	Merit Wedge	Parks and Recreation	Salary	1,949.08	B
Salary	Merit Wedge	Parks and Recreation	FICA	149.10	B
Salary	Merit Wedge	Parks and Recreation	Retirement	283.79	B
Salary	Merit Wedge	Parks and Recreation	Group Life	17.35	B
Salary	Merit Wedge	Parks and Recreation	Workers Comp	3.12	B
Salary	Merit Wedge	Parks and Recreation	Salary	700.04	B
Salary	Merit Wedge	Parks and Recreation	FICA	53.55	B
Salary	Merit Wedge	Parks and Recreation	Retirement	101.93	B
Salary	Merit Wedge	Parks and Recreation	Group Life	6.23	B
Salary	Merit Wedge	Parks and Recreation	Workers Comp	1.12	B
Salary	Merit Wedge	Parks and Recreation	Salary	1,123.96	B
Salary	Merit Wedge	Parks and Recreation	FICA	85.98	B
Salary	Merit Wedge	Parks and Recreation	Retirement	163.65	B
Salary	Merit Wedge	Parks and Recreation	Group Life	10.00	B
Salary	Merit Wedge	Parks and Recreation	Workers Comp	1.80	B
Salary	Merit Wedge	Orange Library	Salary	1,099.08	B
Salary	Merit Wedge	Orange Library	FICA	84.08	B
Salary	Merit Wedge	Orange Library	Retirement	160.03	B
Salary	Merit Wedge	Orange Library	Group Life	9.78	B
Salary	Merit Wedge	Orange Library	Workers Comp	1.76	B
Salary	Merit Wedge	Wilderness Library	Salary	1,633.08	B
Salary	Merit Wedge	Wilderness Library	FICA	124.93	B
Salary	Merit Wedge	Wilderness Library	Retirement	237.78	B

Salary	Merit Wedge	Wilderness Library	Group Life	14.53	B
Salary	Merit Wedge	Wilderness Library	Workers Comp	2.61	B
Human Resources	Position Reclass.	Airport	Salary	224.83	D
Human Resources	Position Reclass.	Airport	FICA	17.20	D
Human Resources	Position Reclass.	Airport	Retirement	32.74	D
Human Resources	Position Reclass.	Airport	Group Life	2.00	D
Human Resources	Position Reclass.	Airport	Workers Comp	0.36	D
Human Resources	Position Reclass.	Landfill	Salary	411.14	D
Human Resources	Position Reclass.	Landfill	FICA	31.45	D
Human Resources	Position Reclass.	Landfill	Retirement	59.86	D
Human Resources	Position Reclass.	Landfill	Group Life	3.66	D
Human Resources	Position Reclass.	Landfill	Workers Comp	0.66	D
Salary	Merit Wedge	Information Tech	Salary	2,065.60	B
Salary	Merit Wedge	Information Tech	FICA	158.02	B
Salary	Merit Wedge	Information Tech	Retirement	300.75	B
Salary	Merit Wedge	Information Tech	Group Life	18.38	B
Salary	Merit Wedge	Information Tech	Workers Comp	3.30	B

A Survey expenses for delinquent properties totaled \$55,135.80. Costs are recovered at the time of sale or redemption of taxes (provided the sale price exceeds costs of sale). A detail list of survey paid:

TAX MAP#	ACREAGE	SURVEY	
66-13	20.63	\$	250.00
60-55	24.75	\$	8,250.00
21-37D	1.33	\$	1,500.00
10-2	16.87	\$	8,000.00
09-26	57	\$	12,500.00
09-40	8	\$	4,250.00
39-53	22.17	\$	7,250.00
53-32	19	\$	8,000.00
33-16	1.395	\$	5,135.80

Two highlighted items did not go to sale as owners redeemed the property by paying the appropriate costs of taxes.

B Amounts needed to cover salaries for raises processed after the FY2009-2010 Personnel Budget was adopted.

C Budget correction position was budgeted an IT Technician (grade 11) and was hired as a Network Support Technician (grade 14).

D Budget correction position was budgeted at the incorrect amount.

RE: CARRY FORWARD REQUEST

The Board approved an amendment to the fiscal year 2009 County budget in the amount of \$311,794 as requested for the following:

Projects	\$153,524
Funds with specified use (grants, donations, forfeiture)	\$ 89,873
Department Items	\$ 68,397

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES
Chairman Frame opened the floor for public comment.

Tom Randolph, White Plains, VA, commented on the Board's recent decision to approve SUP 08-07: Special Use Permit to allow a Wal-mart as a large retail use, 3 & 20 Partnership/JDC Ventures, LLC Property.

RE: BOARD COMMENT

Mr. Burkett commented on the wonderful job that staff did in organizing and working the Wal-mart public hearing. He stated that the staff's performance was very professional and he wanted the minutes to reflect his appreciation.

Mr. Johnson stated that Julie Jordan and her staff did an excellent job.

Chairman Frame and Mr. Goodwin stated their agreement with the comments that Mr. Burkett and Mr. Johnson made.

RE: ACTION ITEMS

RE: SCHOOL REQUEST FOR SUPPLEMENTAL APPROPRIATION

Karen Karasinski, Finance Director, stated that the School Board will receive additional Title I School Improvement Funds in fiscal year 2010. She stated that Orange Elementary received funds last year and will continue to receive funds. Three additional elementary schools will be receiving funds including: Gordon Barbour Elementary, Lightfoot Elementary and Unionville Elementary. She indicated that the funds are granted annually based upon adequate yearly progress. The total additional funds to be received will be \$563,155. Mrs. Karasinski also noted that the School Board also received a grant from the State in the amount of \$10,000 for response to intervention training, which is a new method of identifying students with specific learning disabilities. She also reported that Head Start will be receiving a program increase of \$27,667 from the federal government.

Discussion ensued including: school improvements and capital projects.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to recognize \$573,155 of Title I School Improvement Funds and State Funds and appropriate the same to the School Operating Fund; and \$27,667 of Federal Head Start Funds and appropriate the same to the School Head Start Fund.

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

RE: AIRPORT PROJECTS

RE: DELTA AIRPORT CONSULTANTS

Kurt Hildebrand, Director of Public Works, stated that the County entered into a base agreement with Delta Airport Consultants on January 24, 2008, renewed August 11, 2009 and current through January 23, 2011. He explained that the base agreement allows specific tasks to be performed through amendments to that agreement. He reported that Delta Airport Consultants has presented which covers the scope of work pertaining to the construction of the new Terminal Building.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the Acting County Administrator to execute Amendment No. Seven (7) with Delta Airport Consultants Inc., in the amount of \$222,634 contingent on grant funding being made

available by the Department of Aviation for construction of the new airport terminal building. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.

RE: PROPOSED TERMINAL PROJECT

Kurt Hildebrand, Director of Public Works, stated that at its meeting on May 26, 2009, the Board authorized advertisement for bids to construct the proposed new airport terminal building. He reported that seventeen (17) bids were received and the low responsive and responsible bidder is Leipertz Construction, Inc. at a price of \$988,000. Mr. Hildebrand provided the Board with a project cost summary provided by Delta Airport Consultants, Inc. He stated that the Department of Aviation (DOAV) has reviewed the project cost summary and very recently reviewed the construction documents. He noted that the DOAV has revised and increased their projected percentage of shared costs to 78.3% which is up from 77.5% at last review. He reported that, based on percentages, the cost allocations are: DOAV - \$1,102,215.79; County - \$305,467.21; with the total project cost of \$1,407,683. Mr. Hildebrand concluded by saying that the DOAV will be determining funding availability at the end of August, 2009. All indications suggest that Orange County will receive funding for the terminal project. He stated that staff recommends a contract be awarded to Leipertz Construction Inc. to construct the new terminal building, pending DOAV funding. Additionally, staff recommends approval to apply for, accept and execute grant documents with DOAV for funding to construct the new terminal building.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the Acting County Administrator to apply for, accept and execute grant documents with the Department of Aviation (DOAV) for funding to construct a new airport terminal building, and to enter into a contract with the responsive, responsible low bidder, Leipertz Construction, Inc., in the amount of \$988,000, for construction of the new terminal building. The contract with Leipertz Construction Inc. will be contingent on funding from the DOAV. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.

RE: GREEN BOX AT LANDFILL

Kurt Hildebrand, Director of Public Works, explained that the Board directed staff to place a green box outside of the gate at the Porter Road Solid Waste Collection site, for citizen use after hours. He reported that the box has been repeatedly abused. He indicated that signs are placed on the box that state its use is for Orange County citizens and is only for household waste. Mr. Hildebrand stated that on a regular basis, furniture, white goods, paint and other unauthorized material have been placed in the box. He further reported that customers have begun to stop at this box during regular working hours instead of entering the collection site, causing unsafe traffic issues at the entrance to the Landfill.

Discussion ensued including: service to the citizens; proposed options; alternatives; misuse and abuse.

Mr. Johnson moved, seconded by Mr. Frame and carried, to authorize staff to remove the green box from outside of the gate at the Porter Road Collection Site; and return it to its original confines inside that Collection Site. Ayes: Johnson, Goodwin, Frame. Nays: Burkett. Absent: Pace.

RE: SHERIFF'S OFFICE – REQUEST TO PURCHASE VEHICLES

LTC Timothy P. Murphy reported that the Sheriff's Office current budget allows for the purchase of five new vehicles, three of which will go to the Patrol Division and will be Dodge Chargers. He stated that on February 1st, the Sheriff's Office was able to put a hold on three

Chargers through Sheehy Ford/Dodge who, at the time, held the state bid. Since that date the state bid was allowed to expire due to concerns with a type of radio equipment that was available with the Charger. LTC Murphy stated that this would not be a problem because their office installs their own electronics into the vehicles. He requested issuance of purchase orders to Sheehy of Richmond and to JK Chevrolet of Virginia Beach to take advantage of last year's prices through which the Chargers are currently being held.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to authorize the Acting County Administrator to issue purchase orders to Sheehy of Richmond, and J.K. Chevrolet of Virginia Beach, in the amount of \$64,303 and \$39,347.52 respectively. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.

RE: GRIEVANCE PROCEDURE

Ms. Pandak reviewed the proposed New Employee Grievance Procedure with the Board. She stated that the object of the procedure is to afford an expeditious and impartial method for the resolution of employment disputes that may rise between the County government and employees in the County service.

Ms. Jordan stated that the proposed procedure is compliant with state law. She shared some of the concerns raised by staff that they are less concerned at being at will to the County Administrator as opposed to being at will to the Board.

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

RE: SHELTERING ARMS REQUEST

Karen Karasinski, Finance Director, stated that County staff was contacted by Mary Lee Hensel, Executive Director of Sheltering Arms, requesting financial assistance from the County. The shelter has been awarded three separate grants from the Department of Housing and Community Development (DHCD) for a total of \$108,014.43 which will be used to reimburse Sheltering Arms after their bills have been paid. However, due to declining donation receipts, cash flow is insufficient to advance payment to vendors, and without proof of payment, no grant funds can be requested. Mrs. Karasinski explained that currently there is \$30,000 due or past due to vendors and employees that need to be paid, which will be reimbursed by DHCD. She concluded by saying that Sheltering Arms is requesting that the Board of Supervisors approve a loan to them from the contingency. She reported that upon receiving funds from DHCD, the County will be repaid and the contingency fund can be replenished. The first submission to DHCD will be on September 10, 2009, with the grant payment 30 – 60 days following. Mrs. Karasinski stated that Ms. Hensel indicated that Sheltering Arms will reimburse the County by January 1, 2010.

Discussion ensued including: what the funds will be used for; what happens next time when they don't have sufficient cash flow; and the number of people served. Ms. Pandak stated that she would not recommend that the Board do this frequently.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the proposed agreement with Sheltering Arms to receive a \$30,000 advance from the General Fund contingency. The County will be repaid by 12/31/09. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: VIRGINIA OUTDOORS FOUNDATION EASEMENT REQUESTS

Debbie Kendall, Interim Planning Director, explained to the Board that the Virginia Outdoors Foundation will be considering two easement requests at their September 3, 2009, board meeting and has asked the County for a determination as to whether these requests are consistent with the County's Comprehensive Plan. Mrs. Kendall provided the Board with maps of each parcel that showed the current property zoning and the future land use map designation. Mrs. Kendall briefly explained the two properties which are under consideration: William Gray – Tax Map No. 71-16 (72.36 acres, by new survey; 64 acres according to County tax records); and Retreat Produce and Porter and Mary Goss – Tax Map Nos. 16-1B, 16-25, 16-28A, 16-30, 16-31, 16-25A; (581+/- acres). Mrs. Kendall reported that the William Gray property is located in an area intended to be Agricultural on the future land use map of the 2006 Orange County Comprehensive Plan and is currently zoned Agricultural. The Retreat Produce/Porter and Mary Goss properties are located in an area intended to be Agricultural Conservation on the future land use map of the 2006 Orange County Comprehensive Plan and are currently zoned Agricultural. She concluded by saying that staff has determined that placement of these properties under easement is consistent with the County's Comprehensive Plan.

By consensus, the Board authorized staff to send a written response to the Virginia Outdoors Foundation stating that it is the County's determination that placement of the William Gray property and the Retreat Produce/Porter and Mary Goss properties under easement is consistent with the County's Comprehensive Plan.

RE: ZONING ORDINANCE

Debbie Kendall, Interim Planning Director, stated that the Zoning Ordinance Steering Committee, Consulting Team and staff have made recommendations of proposed narrative changes to the Zoning Ordinance which need to be prepared with fully detailed language concerning: agricultural zoning; commercial zoning and residential zoning.

Discussion ensued including: inadequate attention paid to commercial zoning; and the implication that the Board fully supports the proposed policies by initiating Planning Commission review, when in fact they do not, and are only forwarding the draft narrative ordinance to the Commission, because of the need to move the process forward.

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

MOTION TO INITIATE REVISED ZONING ORDINANCE

WHEREAS, the Board of Supervisors has retained a consulting team to assist it, the Planning Commission and staff in the review and update of its Zoning Ordinance as well as appointed a Zoning Ordinance Steering Committee; and

WHEREAS, the Zoning Ordinance Steering Committee, Consulting Team and staff have made recommendations of proposed narrative changes to the Zoning Ordinance which need to be prepared with fully detailed language; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support initiation of the proposed changes to the Zoning Ordinance and review and recommendation by the Planning Commission of specific language changes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby initiate the narrative changes presented to it by the Consulting Team at its August

18, 2009 work session; and

BE IT FURTHER RESOLVED that the Board requests the Planning Commission, with the assistance of the Consulting Team and staff, to prepare proposed language revising the Zoning Ordinance, to advertise and hold a public hearing on said revised Zoning Ordinance and to make a recommendation to the Board of Supervisors pursuant to the attached calendar, or as it may be amended by the Board or staff.

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

RE: CALENDAR

The Board received copies of its calendars for the months of August, September, and October, 2009.

By consensus, the Board authorized a dinner Worksession at its meeting on September 8, 2009, to discuss airport easement acquisitions.

RE: CLOSED MEETING AUTHORIZATION

At 8:05 p.m., Ms. Pandak read the following resolution authorizing a Closed Meeting:

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

1. Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community; and
2. *Orange County Virginia v. Orange County Boosters Club, Inc. and Orange County Boosters Club, Inc. v. Orange County*, CL09000084; and

WHEREAS, pursuant to §2.2-3711.A.5 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, Frame. Nays: None. Absent: Pace.

RE: CLOSED MEETING CERTIFICATION

At 9:03 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 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, Frame. Nays: None. Absent: Pace.

RE: ACTION FOLLOWING CLOSED MEETING – BOOSTERS LEASE BREACHED

Mr. Burkett moved, seconded by Mr. Frame and carried, to adopt the following resolution declaring that the Orange County Boosters Club, Inc. is in breach of its Lease for the Property known as Boosters Park:

WHEREAS, the Board of Supervisors is the fee simple owner of the Property, situate in Orange County, Virginia, commonly known as Boosters Park;

WHEREAS, beginning on March 1, 1990, the Orange County Boosters Club, Inc. has had a lease for the Property for a period of 25 years, ending March 1, 2015;

WHEREAS, in 1999 the area subject to the lease was increased, and in 2003, the parties renewed the lease through 2028;

WHEREAS, the Lease is for an unreasonably long term;

WHEREAS, the Boosters have breached the lease repeatedly, including, although not limited to, the following breaches:

- Failure to pay \$1 per year consideration for the lease;
- Failure to provide timely and up-to-date insurance policies to the County;
- Failure to recoup its own costs, and the County's recurrent need to infuse money or pay outstanding bills of the Boosters, a private organization;
- Failure to administer the property impartially and non-discriminatorily as a public accommodation and public trust;
- Failure to communicate regularly and adequately with County staff and other civic associations regarding the Property;
- Failure to maintain the Property in good condition;
- Failure to hold annual meetings and otherwise ensure accountability to the public; and
- Changing its corporate form from an open-membership civic organization to a closed-membership special interest association in violation of the public trust and without notice to the County.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby declares that the Orange County Boosters Club, Inc., is in breach of its Lease for the Property known as Boosters Park.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Johnson moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 9:12 p.m. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Absent: Pace.