

**BOARD OF SUPERVISORS MINUTES**

**SEPTEMBER 22, 2009**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 22, 2009 beginning at 2:30 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; R. Mark Johnson; Zack Burkett; and Teri L. Pace. Absent: None. Also present: Julie G. Jordan, Acting County Administrator; Sharon E. Pandak, County Attorney; and Teresa A. Lamb, Office Assistant.

*\*Supervisor Goodwin entered the meeting at 2:35 p.m.*

RE: GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT 45 AND RESERVE BALANCE WORKSESSION

Karen Karasinski, Finance Director, explained that the Governmental Accounting Standards Board (GASB) Statement 45 helps local governments define how to report post retirement benefits. For Orange County post retirement benefits are for the retirees who are allowed to stay on the group health, dental and vision plans. The County does not pay for the retirees, as they pay 100% of the cost of this benefit.

Dan Homan, Vice-Chairman of Wachovia, gave an overview of GASB 45 including: why it is important; the current method before GASB 45; new rules under GASB 45; impact of GASB 45; what generates the liabilities; other post-employment benefits; and valuation results.

Discussion ensued including: post 65 retirees; the number of retirees currently in the County; County funding liabilities; investment funding; accounting practices under GASB 45; contributions of retirees; governmental reporting; the cost of premiums employees are paying now; increasing premiums to cover funding; projected disclosure unfunded; Social Services and the Schools; to fund or not fund by FY 2010-2011.

Chairman Frame requested that additional information be provided to the Board including: ten and fifteen service year numbers; the number of employees who will be eligible for Medical Coverage at Retirement; and the budget impacts on the plan.

By consensus, the Board requested that discussion of the GASB 45 continue no later than the November 10, 2009 regular Board meeting and sooner if possible.

RE: RECESSED

At 3:49 p.m., the Board recessed for a joint dinner meeting with the Orange County Health Commission at Dogwood Village of Orange County.

RE: RECONVENED

The Board reconvened in open meeting at 7:00 p.m.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Johnson moved, seconded by Mr. Burkett and carried, to approve the following consent agenda items as revised:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

<b>DEPT</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT</b>	<b>Funding Source</b>
Sheriff	Forfeited Assets	\$ 114.16	Forfeited assets
<b>Subtotal Sheriff Forfeited Assets</b>	<b>\$ 114.16</b>		
Animal Shelter	Vaccinations	\$ 1,170.00	Donations
<b>Subtotal Animal Shelter</b>	<b>\$ 1,170.00</b>		
Library	Children Programs	\$ 835.00	Donations
Library	Main Juvenile Books	\$ 792.95	Donations
<b>Subtotal Library</b>	<b>\$ 1,627.95</b>		
County Attorney	Route 711 Project	\$ 3,179.79	Carry forward
<b>Subtotal County Attorney</b>	<b>\$ 3,179.79</b>		
	<b>Total this request</b>	<b>\$ 6,091.90</b>	
	<b>Total year to date</b>	<b>\$ 270,637.85</b>	

RE: MINUTES

The Board approved the following minutes as presented:

- August 24, 2009 Special Meeting;
- September 8, 2009 Regular Meeting.

RE: EDWARD BYRNE JUSTICE GRANT-FEDERAL

The Board authorized staff to establish a new bank account with Bank of America for the Edward Byrne Memorial Justice Assistance Grant Program funds as requested.

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

RE: PUBLIC COMMENT

Alyson Sappington, 12505 Albano Road, Barboursville, voiced support of the County and the initiative for trying to bring high speed internet access to all rural areas of the County.

Kathryn Barker Canary, 11411 Albano Road, Barboursville, spoke in support of the Virginia Rural Broadband initiative.

Jennifer Sword, 11411 Albano Road, Barboursville, spoke in support of the Virginia Rural Broadband initiative.

Karl Santone, 9086 Spotswood Trail, Gordonsville, commented on "Dangerous Dogs".

RE: BOARD COMMENT

Supervisor Burkett commented on how County ordinances are written and that enforcement laws aren't clear to everyone. Ms. Jordan addressed the debate of mobile homes vs. trailers and concurred that the information is unclear.

Ms. Pandak stated that Supervisor Burkett is correct and that ordinances should not create confusion. She explained the definition of mobile homes and manufactured housing; how they are established, and the required permitting process. Supervisor Burkett stated that he wasn't concerned with any particular instance or any particular departmental issue; however, he was concerned that the

ordinances were not clearly written in order for everyone to understand them.

By consensus, the Board directed staff to add this issue as a discussion item on its October 13, 2009 agenda.

RE: ACTION ITEMS

RE: TRASH STICKERS

Kurt Hildebrand, Director of Public Works, stated that Ms. Pandak's office had prepared a resolution for the Board's approval concerning the issuance of a vehicle decal for citizens to use as a method of entry into the County landfill. He suggested that the resolution be amended to include "County landfill and County collection sites."

Discussion ensued: about how the decals would be issued; the color of the decals; temporary vs. permanent decal; cost of the decals; advertisement of the decals and appropriation of funds. Supervisor Pace stated that the additional wording should also be included at the bottom of the ordinance.

Mr. Burkett moved, seconded by Mr. Goodwin, to adopt the following resolution as revised:

**WHEREAS**, the Board of Supervisors desires to allow County residents who display a vehicle decal entry into the County landfill and County collection sites; and

**WHEREAS**, a vehicle decal may be issued as a permanent decal, rather than on an annual basis; and

**WHEREAS**, the Board of Supervisors desires to issue a vehicle decal by inclusion of such decal in the personal property tax bills;

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Supervisors hereby authorizes the Orange County Treasurer to issue a permanent vehicle decal, which must be displayed for entry into the County landfill and County collection sites, with the personal property tax bills; and it is

**FURTHER RESOLVED** that the Board hereby appropriates the funds for the decal in the amount of \$11,000 from the contingency fund.

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

RE: VIRGINIA RURAL BROADBAND PLANNING INITIATIVE

Vanetta Pledger, Information Technology Director, reported that the Virginia Department of Housing and Community Development has grant funds available, on a "first-come first-served" basis, to conduct a comprehensive planning effort to determine the requirements to provide a high-speed broadband open access network that will serve the community. Ms. Pledger presented the program guidelines and application requirements to the Board for its review. She concluded by saying that she would like to submit a letter of interest on behalf of the County.

Discussion ensued including: the deadline for submitting a letter of interest; the useful information that will be gleaned from the study; whether there will be any federal funds available for the project; possible stimulus funding; state and federal requirements; the possibility of subscribing with the private industry to help pay for the towers; and coverage of the geographical area.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the Acting County Administrator to submit a letter of interest for a grant to fund a planning effort to study broadband services. Ayes: Johnson, Burkett, Goodwin, Frame, Pace. Nays: None. Absent: None.

RE: ATHEY VOGEL COMMITTEE LETTER

Debbie Kendall, Interim Planning Director, briefly reviewed a letter, which the Board had requested she prepare, concerning proposed amendments to the Urban Development Area statute as proposed by the Athey/Vogel Study.

Chairman Frame suggested that the last sentence be revised to say *“we unanimously feel that the legislative action is detrimental to the interests of the citizens of Orange County”*.

By consensus, the Board directed Ms. Jordan to revise the letter as stated and mail out immediately.

RE: JOYCE ENGINEERING

Ms. Jordan explained that in order to maintain compliance with the Department of Environmental Quality (DEQ), the Landfill is required to monitor groundwater and to satisfy the DEQ requirements. The Board approved a contract with Joyce Engineering in 2006, to provide groundwater and gas monitoring services at the Landfill through December 31, 2008. She stated that the contract allows for three one year renewals beyond the initial contract period, and inadvertently the contract was renewed through June 30, 2010, without Board approval. She stated that the contract specifically provides for the following services annually: annual groundwater compliance monitoring and reporting; corrective action program for groundwater sampling and analysis; and annual landfill gas monitoring and reporting. 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, 2010.

Discussion ensued including: contract pricing and the date for contract renewal.

Mr. Goodwin moved, seconded by Mrs. Pace and carried, to approve the contract renewal with Joyce Engineering in the amount of \$85,200 for Groundwater and Gas monitoring services through June 30, 2010. Ayes: Johnson, Burkett, Goodwin, Frame, Pace. Nays: None. Absent: None.

RE: 275<sup>TH</sup> ANNIVERSARY RESOLUTION

A resolution was presented to the Board for its review commemorating Orange County's 275<sup>th</sup> anniversary. Mr. Johnson stated that Zachary Taylor, the twelfth president of the United States needed to be included in the resolution. He also suggested that “now known as Montpelier” be removed from the resolution. Discussion ensued concerning whether “the home place of James Madison” should be included.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution as revised, commemorating October 3, 2009, as the 275<sup>th</sup> Anniversary of Orange County:

RESOLUTION IN CELEBRATION OF  
THE 275<sup>TH</sup> ANNIVERSARY OF ORANGE COUNTY

WHEREAS, Orange County was formed in 1734 when the Orange County Court met in the home of Clerk Henry Willis on Black Walnut Run, known as Burr Hill today; and

WHEREAS, Orange County's early boundaries encompassed all of five future states including: Ohio, Illinois, Indiana, Kentucky and West Virginia, and portions of three other future states including: Michigan, Wisconsin and Virginia; and

WHEREAS, Orange County is rich in history as it was the home place of our nation's fourth President, James Madison, and of our twelfth President, Zachary Taylor; the site of the Overland Campaign which was a fierce battle fought at the Wilderness in 1864; the Gordonsville Receiving Hospital that offered help and hope to 70,000 wounded soldiers; St. Thomas Episcopal Church where Generals Robert E. Lee, A. P. Hill and Robert Rodes worshipped during their stay; and the dangerous trail by which the Constitution of the United States traveled; and

WHEREAS, Orange County's beautiful landscape of rolling hills and green pastures have been a scenic byway for citizens and tourists alike, and have been preserved and enhanced for future generations; and

WHEREAS, Orange County, from its expansive beginnings, now covers 355 square miles and its population has grown to nearly 33,200 people; and

WHEREAS, Orange County is proud of its heritage and celebrates its future.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors commemorates this day, October 3, 2009, as the 275<sup>th</sup> anniversary of Orange County and celebrates its growth and prosperity.

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

RE: POLITICAL SIGNS

Chairman Frame reported that the Orange County ordinance states that the maximum size of political signs should be 16 square feet. He indicated that numerous complaints have been received and that political signs have been in violation of the current ordinance. He suggested that the Board proceed with enforcement actions or adopt a resolution for a temporary suspension.

Ms. Pandak stated that the proposed resolution only suspends the maximum area of provision which is 16 square feet but it does not suspend the eight (8) feet in height. That would need to be included in the resolution, if the Board so wishes.

Discussion ensued including: size maximums; the timeframe for removal of signs and when the ordinance was originally adopted.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to approve the following resolution temporarily suspending the enforcement of provisions of Sec. 70-697(a) – Size of Political Signs and Sec. 70-697(b) Time Limitations for Display of Political Signs as revised:

WHEREAS, Sec. 70-697(a) of the Zoning Ordinance limits the size of portable or mobile signs, which includes political signs, to no more than 16 square feet in area or eight feet in height, and Sec. 70-697(b) of the Zoning Ordinance limits the time for display of political signs; and

WHEREAS, the Board of Supervisors has recently become aware that the Zoning Administrator has not enforced these provisions in recent elections because of a misunderstanding that the office was not to do so; and

WHEREAS, as a result, candidates have acquired and/or installed and displayed signs

which do not meet the ordinance requirements; and

WHEREAS, the Board plans to ensure that in the future all candidates are apprised early in the campaign season of the County sign requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby suspends the enforcement of the provisions of Sec. 70-697(a) only as they relate to the maximum area and height of political signs, and the provisions of Sec. 70-697(b) as they relate to the time for display of political signs, effective immediately and until November 30, 2009; and be it

FURTHER RESOLVED that the Board of Supervisors directs the Zoning Administrator to immediately notify all candidates for the 2009 General Election, and the General Registrar.

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

The Board requested that this item be added to its October 13, 2009 agenda for further direction on Political Signs to be included in the updated Zoning Ordinance for future reference.

RE: INCREASE APPROPRIATION OF FUNDING FOR PURCHASE OF PROPERTY FOR FUTURE FIRE AND RESCUE STATION

Ms. Jordan explained that at a previous meeting the Board discussed the proposed new Mine Run Fire Station and took action to allow the purchase of a piece of property. She stated that before the property is purchased, due diligence needs to be done including: percolation of the land, a title search, and an advance payment to purchase the property. She explained that an additional \$5,000 would need to be appropriated in order to complete the initial phase of purchasing the property.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the following resolution increasing appropriation of funding for the Purchase of Property for the future Mine Run Fire and Rescue Station:

INCREASE APPROPRIATION OF FUNDING FOR PURCHASE OF PROPERTY FOR  
FUTURE MINE RUN FIRE AND RESCUE STATION

WHEREAS, on August 11, 2009 by Res. No. 090922-6G, the Board of Supervisors authorized acquisition of land on Rt. 20 from Keswick Builders Inc. for a future new Mine Run Fire and Rescue Station for \$70,500, and

WHEREAS, additional funding is required to pay for the cost of the site study and settlement costs;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Supervisors hereby approves an additional appropriation in the amount of \$5,000 for funding of the site study and settlement costs associated with the acquisition of the Keswick Builders Inc. property for the siting of the new Mine Run Fire and Rescue Station.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: RIGHT-OF-WAY WIDTH

Debbie Kendall, Interim Planning Director, explained the reasoning behind the County's current 50' right-of-way width requirement for new streets or easements and possible alternatives to that requirement. She stated that the Code of Virginia does not allow the County to require more than the 20 feet width for a right-of-way easement for a family subdivision. However, the County subdivision ordinance currently requires that family subdivision streets be built to state standards, if they meet that requirement of three or more of lots. Therefore, the 50' of right-of-way needs to be reserved.

Discussion ensued including; the difference between a regular subdivision and a family subdivision; right-of-ways and driveways; private roads; public safety and road conditions.

Chairman Frame asked Mrs. Kendall to draft an ordinance to modify the appropriate language of the subdivision ordinance and bring back to the Board for further discussion.

RE: RECOGNITION OF COMMITTEE PARTICIPANTS

Chairman Frame suggested that staff send a letter of appreciation to volunteers of various Boards, Committees and Commissions thanking them for their service to the County upon fulfillment of their duties or resignation.

Supervisor Johnson agreed that it would be a good idea to do that and it would also be a good reminder to the district supervisor that a person has left the committee.

By consensus, the Board directed the Acting County Administrator to have staff send out letters of appreciation from the Board of Supervisors to volunteers who fulfill their Board/Commission/Committee duties or resign, thanking them for their service to the County.

RE: HOLIDAY MARKET AND TREE LIGHTING WEEKEND

Mrs. Pace reported that at a recent Tourism Round-Table, discussion ensued regarding the possibility of an Old World Christmas Market in Taylor Park with participating vendor. She noted that the local Farmers Market is very interested in participating, as well other local vendors. The proposed date for the holiday weekend is December 4 – 6, 2009. Mrs. Pace stated that the art galleries will be open from 6 – 9 p.m. on December 4<sup>th</sup> and will be serving wine and cheese. The holiday market will be held throughout the weekend. The parade will be held on December 6<sup>th</sup> followed by the Christmas tree lighting ceremony.

Mrs. Pace moved, seconded by Mr. Johnson and carried, to allocate \$5,000.00 out of the contingency fund for the Holiday Market and Tree Lighting Weekend, scheduled for Friday, December 4 - Sunday, December 6, 2009. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: LANDFILL C & D

Mr. Johnson updated the Board on a recent situation at the landfill. He explained that someone could have their house or a building brought down by a demolition company, and because the house that they demolished was located in Orange County, they could use the landfill to dump the debris and would not have to pay any tipping fees. He stated that just last week a total of nine (9) demolition trailers came into the landfill and did not pay any tipping fees. Mr. Johnson stated that everyone is paying in some way to have their trash disposed of and that he felt this was wrong.

Discussion ensued including: who was doing the dumping; what procedure should be and how it

should be addressed; and the waiving of tipping fees for companies and/or organizations.

By consensus, the Board requested that Kurt Hildebrand, Director of Public Works, discuss the issue with the Solid Waste Committee and report back to the Board with recommendations.

RE: INFORMATION ITEMS

The following items were presented to the Board for its information:

- Letter from DEQ regarding the Unionville Elementary School Wastewater Treatment Plant;
- Letter from Auditor of Public Accounts; and
- Letter from Celebrate Orange.

RE: CALENDAR

The Board received copies of its calendar for the months of September, October and November, 2009.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 9:10 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.