

BOARD OF SUPERVISORS MINUTES

SEPTEMBER 28, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 28, 2010 beginning at 7:00 p.m., at the Lake of the Woods Clubhouse, Locust Grove, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice-Chairman; Shannon C. Abbs; Zack Burkett; and Grover C. Wilson. Also present: Kurt Hildebrand, Acting County Administrator; Sharon E. Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk. Absent: Julie G. Jordan, County Administrator.

RE: ADOPTION OF AGENDA

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

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:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Sheriff	Forfeited Assets	\$ 809.51	Forfeited Assets DCJS
Subtotal Sheriff		\$ 809.51	
Animal Shelter	Emergency Vet	\$ 954.00	Donations
Animal Shelter	Vaccinations	\$ 2,145.00	Donations
	Building		
Animal Shelter	Expansion	\$ 620.00	Donations
Subtotal Animal Shelter		\$ 3,719.00	
	Total this request	\$ 4,528.51	
	Total Year to Date	\$ 66,280.69	

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	
County Administration	Salaries	Human Resources	Consultant	12,100.00	A

A - Funds required for the Dominion Benefits Inc. contract for benefits consulting.

RE: FY2010 CARRY FORWARD REQUESTS

The Board authorized an amendment to the fiscal year 2011 County budget in the amount of \$1,309.76 as presented.

RE: DELTA AIRPORT CONSULTANTS – CONTRACT AMENDMENT #10

The Board authorized the County Administrator to execute Delta Airport Consultant's Amendment #10, in an amount Not To Exceed \$140,597, contingent on the Independent Fee Estimate finding the amount to be appropriate.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

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

- Greg Hebler, 23494 Village Road, Unionville, commented on Village Feed concerning issues with the 1997 buffer proffer which has not been enforced.
- David Kovarik, 501 Wakefield Drive, Locust Grove, commented on the Orange County Comprehensive Plan, and four-laning Route 20 from Orange to Route 20 to Route 3. He noted that federal funds are available for by-passing the Wilderness Battlefield.
- Alicia Payne, 1003 Lakeview Parkway, Locust Grove, thanked the Board for holding its meeting in Lake of the Woods. She presented a Trails Manual to each of the Board members.
- James Davis, 410 Harrison Circle, Locust Grove, inquired about the Wal-mart suit.

There being no additional speakers, public comment was closed.

RE: PUBLIC APPEARANCES

Alyson Sappington, Orange County's representative on the Culpeper Soil and Water Conservation Board, gave an overview of the Culpeper Soil and Water Conservation District, including its vision, mission, and services.

RE: BOARD COMMENT

Supervisor Burkett apologized to Chairman Frame for a comment that he had made at a previous meeting regarding hypocrisy.

Chairman Frame thanked everyone for attending the Board meeting. He announced that this would be the last meeting for Vanetta Pledger, Orange County Information Technology Director, as she had accepted a position with the City of Alexandria. Chairman Frame thanked Ms. Pledger for her service to the County. He reported that Dogwood Village Health and Rehab would be holding a celebration and open house on October 10, 2010 from 1:30 p.m. – 3:30 p.m.

RE: ACTION ITEMS

RE: ALL-HAZARD MITIGATION PLAN

Deborah S. Kendall, Interim Planning Director, explained that in 2004, the Rappahannock Rapidan Region Commission, pursuant to the federal Disaster Mitigation Act of 2000, developed an All-Hazard Mitigation Plan for the PD-9 region. This plan outlines activities for localities in the region to undertake collectively or individually in order to reduce vulnerability to identified hazards. She stated that this plan was adopted by the Board on February 22, 2005. Mrs. Kendall stated that in order for localities to continue to be eligible for federal mitigation grant funding, the plan must be updated and adopted by the local governing body every five years. She reported that since February, each locality has been providing information to update various components of the All-Hazard Mitigation Plan. Staff has reviewed and modified the mitigation

strategies in the current plan to reflect the activities have been completed, modified or are no longer needed. Staff has also added strategies it feels would facilitate plan implementation and would now like input from the Board as to these or any other strategies that it feels necessary for plan implementation.

Discussion ensued regarding the process involved. Mrs. Kendall stated that eventually a public hearing will be held.

By consensus, the Board directed staff to post the All-Hazard Mitigation Plan on the County website to solicit comments from the public until the end of October.

RE: LANDFILL TIPPING FEE WAIVER REQUEST FROM THE TOWNS OF ORANGE AND GORDONSVILLE

Kurt Hildebrand, Director of Public Works, commented on tipping fee waiver requests that had been received from the Town of Gordonsville and the Town of Orange for loads generated by their annual clean up events scheduled to begin Monday, October 4, 2010 through Friday, October 22, 2010.

Discussion ensued including: the recently adopted Landfill Fee Schedule; and potential lost revenue.

The Board took no action at this time.

RE: LAKE OF THE WOODS LIONS CLUB CONTRIBUTION REQUEST

Kurt Hildebrand, Director of Public Works, stated that a request had been received from the Lake of the Woods Lions Club regarding their annual yard sale scheduled for Saturday, October 2, 2010. According to the letter, many of the items not sold are expected to be disposed of at the County Landfill by Efficient trash haulers on Monday, October 4, 2010.

Mr. Wilson moved, seconded by Mr. Goodwin and carried, to approve a contribution to the Lake of the Woods Lions Club in the same amount as the total of tipping fees charged which are associated with the annual yard sale. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: POSSIBLE CHANGES TO ANIMAL CONTROL ORDINANCES RELATING TO DISPOSITION OF ANIMAL REMAINS

Ms. Pandak stated that Captain Burkett of the Orange County Sheriff's Office brought to her attention a situation involving the disposition of the remains of animals, other than dogs, that have died. In this situation, several horses were found dead and unburied on the grounds of a property owner. The owner had arranged for burial of the animals within a few days. However, Captain Burkett and the Animal Control staff stated that the County Code currently does not empower the Sheriff's Office or Animal Control staff to step in and dispose of animal remain, obtain reimbursement, or to impose criminal sanctions in the situation where the property owner is not cooperative.

Discussion ensued including: differentiation between agricultural areas and urban areas; "bone yards"; and other alternatives.

Ms. Pandak stated that she would research other alternatives and report back to the Board.

RE: AMBULANCE REPLACEMENT

Jamie Clark, Fire & EMS Director, reported that in June of this year, a County owned

ambulance was involved in a collision which rendered the ambulance chassis a total loss. An accident claim was filed with the County's insurer, Virginia Association of Counties (VACo), for processing. After extensive evaluation, the decision was made to re-chassis the ambulance box to a new chassis. Mr. Clark stated that, considering the condition and age of the vehicle, he concurs with VACo's decision. He concluded by saying that the County has been reimbursed for the loss by VACo in the amount of \$75,627.45 for replacement of the vehicle. The cost associated with the new chassis is \$53,962.00 and to remount the box is an additional \$21,665.45. Thereby making the total cost for replacing the vehicle \$75,627.45.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to appropriate insurance proceeds in the amount of \$75,627.45 to replace equipment in the Orange Fire and EMS department (4.100.32310.6009). Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: LANDFILL TIPPING FEE WAIVER REQUEST FROM THE TOWNS OF ORANGE AND GORDONSVILLE

Mrs. Abbs requested further discussion of this item.

Discussion ensued including: the possibility of limiting tonnage brought into the Landfill; and the added expense that the Towns have not budgeted for.

By consensus, the Board requested that the Director of Public Works notify the Towns of Orange and Gordonsville that, per the Solid Waste Fee Schedule, there is no charge to dump household waste at the Landfill. Therefore, a waiver is not needed. Materials other than household waste will incur charges.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Chairman Frame nominated Mary Lou MacFarland to serve as a member of the Rappahannock Rapidan Community Services Board (RRCBSB), with said term expiring September 30, 2013.

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

RE: DISCUSSION ITEMS

RE: PARENT PARCEL DISCUSSION: SUPERVISOR GOODWIN

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to move forward with a public hearing on Tuesday, October 26, 2010 at 7:30 p.m. for comment on the proposed amendment to the Parent Parcel definition in the Orange County Subdivision Ordinance. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report; and
- Recognition from the U.S. Census Bureau.

RE: COMMITTEE REPORTS

Chairman Frame stated that the new escrow account at Dogwood Village has grown more in the last month that it has in the past two years.

RE: CALENDAR

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

2010.

By consensus, the Board canceled the December 28, 2010 Regular Board Meeting.

RE: HALLOWEEN OBSERVANCE

Mrs. Curry stated that the County Administration Office has received numerous calls from citizens regarding when the County will be observing Halloween since October 31st falls on a Sunday this year. This issue came up previously in 2004; however the Board took no action. Mrs. Curry indicated that she had contacted both the Towns of Orange and Gordonsville to see whether their respective Councils have discussed the issue. The Town of Gordonsville has taken action to observe Halloween on Saturday, October 30th. The Town of Orange will be discussing the matter at a future meeting in October.

By consensus, the Board directed staff to notify the public announcing that Halloween will be observed in Orange County on Saturday, October 30th rather than Sunday, October 31st.

RE: CLOSED MEETING AUTHORIZATION

At 8:20p.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:

- Probable litigation and legal advice related thereto, where consultation in open meeting would adversely affect the litigating posture of the County;

WHEREAS, pursuant to §§2.2-3711.A. 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. Burkett moved, seconded by Mrs. Abbs and carried, to approve the resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 8:50 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. Goodwin moved, seconded by Mr. Burkett and carried, to approve the Closed Meeting Certification resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 8:51 p.m. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.