

**BOARD OF SUPERVISORS MINUTES**

**October 11, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 11, 2011 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie Jordan, County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the consent agenda as presented:

RE: BUDGET CARRY FORWARD REQUESTS FOR FY11

The Board approved the following budget carry forward requests for FY 2011 to 2012:

Account Number	Department	Amount	Purchase Order No.	Description of Item	Reason Carry Forward Is Necessary
4-513-042400-3103	Landfill	292,689.75		Draper Aden Open Task Orders (#s 4,7,9,10,12,13) & other incomplete contractual services	Incomplete contractual services for the Landfill
4-513-042700-3105	Landfill	45,487.42		Emmanual Tire outstanding Purchase Order and other incomplete contractual services for recycling	Incomplete recycling contractual services for the Landfill
4-513-042700-5899	Landfill	16,945.00		Household Hazardous Waste	Funds to be carried forward for household hazardous waste collection.
4-150-022100-5844	Asset Forfeiture Fund-Commonwealth Attorney	4,865.76		Forfeiture Funds and Interest Earnings	Seized drug funds that are required to be used for the Commonwealth Attorney's Office by court order
	<b>Grand Total</b>	<b>\$359,987.93</b>			

RE: MINUTES

The Board approved the following minutes:

- September 27, 2011 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS

Chairman Frame presented a service award to the following employee:

- Darla Hensley                      5 Years                      Treasurer's Office

The following employees were not in attendance but were also recognized for their service:

- Michael DeClue                      5 Years                      Sheriff's Office Deputy
- Brittany Gilmore                      5 Years                      OES Child Care Aide
- John Badgley                      5 Years                      Firefighter/Medic

RE: ECONOMIC DEVELOPMENT QUARTERLY REPORT

Karen Epps, Economic Development Director, updated the Board on Economic Development activities over the last three months, including the following topics:

- Orange Workforce Center and its extended hours;
- Economic Development website;
- Existing Business Advocacy Program;
- Thomas Jefferson Partnership for Economic Development and the Comprehensive Regional Analysis;
- Surveying project for Residential Sewer Line on Route 20;
- First agritourism seminar.

Ms. Epps also showed the Board a new rack card and the new video designed to market Orange County for Economic Development, which will be available on the new Economic Development website.

Supervisor Goodwin commented that he was pleased with the video, especially since it was the first video of its kind for Orange County.

RE: UPPER YORK TMDL IMPLEMENTATION GRANT/ORANGE COUNTY INVOLVEMENT

Greg Wichelns, District Manager, Culpeper Soil and Water Conservation District, appeared before the Board to request the Board's support for the Upper York Total Maximum Daily Load (TMDL) Implementation Grant and to discuss Orange County's involvement in the grant. Mr. Wichelns explained the nature of the grant, the monetary breakdown of the grant (if awarded), the lifecycle of the grant, and the involvement of other area localities.

Discussion ensued about the opportunities for Orange County.

Mr. Wichelns explained the grant provision of the stream fencing incentive payments for first time applicants. Discussion ensued regarding the benefits of participating to Orange County, the potential precedence that the County's participation sets, and what would be needed from the County for the grant.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to appropriate \$7,290 from contingency to support the Upper York TMDL Implementation Grant.

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

Supervisor Abbs thanked Mr. Wichelns for his continued support to the County on the TMDL regulations. Discussion continued regarding a future presentation from Mr. Wichelns about the TMDL numbers specific to Orange County and about the County receiving Mr. Wichelns assistance on a grant for planning purposes related to septic tank mapping. Supervisor

Frame indicated that he would work with the Department of Conservation and Recreation regarding the aforementioned planning grant and request the assistance of Mr. Wichelns.

RE: ACTION ITEMS

RE: LANDFILL EXPANSION – DRAPER ADEN EXTENSION OF BASE AGREEMENT

Kurt Hildebrand, Public Works Director, gave the Board an overview on the Solid Waste Management Services agreement held with Draper Aden Associates since June 29, 2006. He explained it is now time to prepare the bid documents for the first phase of expansion to occur in the Spring of 2012; however, before this can begin, the base agreement with Draper Aden Associates requires extension. Mr. Hildebrand explained that he made a mistake regarding the extension of the base agreement and requested action by the Board to correct his mistake and extend the current base agreement.

Julie Jordan, County Administrator, stated that staff has been working on a database to aid in tracking and maintaining deadlines of contracts and leases. Discussion ensued regarding the task orders and the need to re-bid this project in the future.

Mrs. Abbs made a motion, seconded by Mr. Burkett and carried, authorizing the County Administrator to extend the current Base Agreement for Solid Waste Management Services with Draper Aden Associates for a term of one (1) year contingent on approval as to form from the County Attorney.

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

RE: LANDFILL EXPANSION – DRAPER ADEN TASK ORDER 14, 15, 16 & 17

Kurt Hildebrand, Public Works Director, announced all permits are in hand for the Landfill Expansion project and work will begin on constructing the first new cell. He gave an overview on Task Order's 14 through 17 and asked for Board approval. He noted the costs of the actions within the Task Order's were previously identified and planned for in the current budget for landfill expansion.

Mr. Burkett made a motion, seconded by Mr. Goodwin and carried, authorizing the County Administrator to execute Draper Aden Associates' Task Orders 14 through 17, contingent on approval as to form from the County Attorney with the Task Order fees being paid from line item 094600-8207.

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

RE: DRAFT LETTER OF SUPPORT AND APPROVAL FOR STRENGTHENING FAMILIES GRANT

Alisha Vines, Office on Youth Director, shared with the Board how successful the Strengthening Families grant has been over the last two years. She detailed plans for the third and final year of the grant, and requested Board approval to seek an additional three year grant from the Virginia Foundation for Healthy Youth.

Supervisor Frame asked how families are referred and how many families are affected by this grant. Ms. Vines stated that families are referred various ways, for example, through Social Services, the school system, or the court system; she also stated that approximately 24 families would be helped per year.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the draft letter of support and approval for the Strengthening Families Grant, as presented.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES  
The Board made no appointments at this time.

Julie Jordan, County Administrator, stated that the Town of Gordonsville would be meeting on October 17, 2011, and would discuss their recommendation for the Gordonsville area representative for the Economic Development Authority at that time.

RE: DISCUSSION ITEMS

RE: UPDATE OF COURTHOUSE RENOVATIONS

Kurt Hildebrand, Public Works Director, stated that he spoke with the Judge about the idea of partitioning part of the new courthouse for access by users of the historic courthouse. Mr. Hildebrand indicated that the Judge did not support this idea because of the potential of the activities in the new courthouse and the old courthouse mixing and for security purposes. Mr. Hildebrand stated that creating a unisex bathroom and catering station would be the best option, which as stated before, is approximately \$8,000.

Discussion ensued regarding grant opportunities for the proposed renovations.

RE: BOARD OF EQUALIZATION AND REASSESSMENT

Sharon Pandak, County Attorney, explained the Board of Equalization (BOE) requirements and the proposed resolution to be brought before the Board for consideration at the October 25, 2011, meeting, in which the Board would appoint five Board of Equalization members. Ms. Pandak asked the Board consider those individuals which it would like to appoint and convey that information to Ms. Pandak prior to the October 25, 2011, meeting so that she could make sure that the state statute requirements are met.

Discussion ensued regarding compensation for Board of Equalization members and the time commitment for these members.

Ms. Pandak also explained that there needs to be a deadline for BOE action to ensure that the appeals are heard in a timely manner and that the tax bills can be prepared. She further explained the timeline for appeals before the BOE. Ms. Pandak stated that the final date for BOE appeals acceptance and BOE action must be set by Ordinance and subsequently, a public hearing would need to be held.

Discussion ensued regarding notice of the right to appeal.

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

SCHEDULE PUBLIC HEARING ON ORDINANCE TO SET FINAL DATE  
FOR ACCEPTANCE OF BOE APPEALS AND BOE ACTION

WHEREAS, a public hearing is required by State law before the Board adopt an ordinance setting the final date for acceptance of appeals to the Board of Equalization and to set a deadline for the Board of Equalization to complete its work on such appeals;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Supervisors hereby approves scheduling the attached draft ordinance for public hearing on November 16, 2011.

ATTACHMENT

ORDINANCE TO ESTABLISH FEBRUARY 3, 2012, AS THE DATE BY WHICH APPLICATIONS TO THE BOARD OF EQUALIZATION MUST BE MADE BY PROPERTY OWNERS OR LESSEES FOR RELIEF, AND TO ESTABLISH APRIL 6, 2012, AS THE DEADLINE BY WHICH ALL APPLICATIONS MUST BE FINALLY DISPOSED OF BY THE BOARD OF EQUALIZATION

WHEREAS, pursuant to § 58.1-3378 VA Code Ann., the Board of Supervisors is authorized to provide by ordinance the date by which applications to the Board of Equalization must be made by property owners or lessees for relief, which date shall not be earlier than 30 days after the termination of the date set by the assessing officer to hear objections to the assessments, as provided in § 58.1-3330 VA Code Ann.; and

WHEREAS, also pursuant to § 58.1-3378 VA Code Ann., the Board of Supervisors may provide by ordinance the deadline by which all applications must be finally disposed of by the Board of Equalization; and

WHEREAS, the Board of Supervisors deems it advisable to establish such dates in order to ensure the efficient and expeditious handling of applications for relief; and

WHEREAS, a public hearing was duly advertised and held this date;

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

1. The date by which applications to the Board of Equalization must be made by property owners or lessees for relief is hereby established as February 3, 2012;
2. The deadline by which all applications must be finally disposed of by the Board of Equalization is hereby established as April 6, 2012.

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

RE: TRANSFER OF COMMUNITY POOL CONTRIBUTIONS TO THE GORDONSVILLE POOL

Supervisor Goodwin stated that he had once again been reminded about the community pool contributions for a community pool which was never constructed. Mr. Goodwin stated that the Gordonsville Town Council plans to improve Dix Memorial Pool and to make the pool a year round pool. He stated that he would like to transfer the community pool contributions to the Gordonsville pool for facility improvement and construction.

Discussion ensued regarding the original intention of the donations received and the manner in which the donations were solicited. Supervisor Abbs asked Mayor Coiner, who was seated in the audience, if the Town of Gordonsville had a building fund. Discussion continued regarding whether or not notice to all residents about the transfer of the funds to the Town of Gordonsville would be required, the public nature of the Gordonsville Pool and about use of the pool by the High School Swim Team.

Sharon Pandak, County Attorney, stated transfer of the funds would be appropriate if use of the funds were designated for a sufficiently similar project to that for which the donations were obtained.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the transfer of the community pool contributions from the designated portion of the General Fund Balance to the Town of Gordonsville Building Fund for new construction purposes for Dix Memorial Pool.

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

RE: DISCUSSION OF ORANGE COUNTY SCHOOL BOARD'S STAND ON IMPROVING TEACHER AND PRINCIPAL EFFECTIVENESS BASED ON PERFORMANCE

Supervisor Burkett stated that the Board had received an email which illustrated Counties across the State of Virginia and their improvement on performance. Mr. Burkett noted that Orange County received positive recognition on all aspects examined and stated that he wanted it noted that the school system had made outstanding headway and wanted to congratulate the school system on a job well done. The rest of the Board also conveyed their congratulatory sentiments on the matter.

RE: RESOLUTION OF SUPPORT FOR SHELTERING ARMS: SUPERVISOR FRAME

Supervisor Frame stated that he and Supervisor Abbs met with Bob Lingo, Social Services Director, regarding different modes for combating homelessness in the Commonwealth. He further stated that there have been several organizations and churches which have been supportive of Sheltering Arms in the past. Mr. Frame explained the resolution presented to the Board for their consideration. He asked that the Department of Social Services coordinate a half day conference in which the State could work with Sheltering Arms to examine their current situation and give the participants an option to discuss ways in which they could continue to support the efforts of the Sheltering Arms Board.

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

#### SUPPORT FOR SHELTERING ARMS

WHEREAS Orange County has provided the facility for use by the Greater Orange Community Development Corporation as a homeless shelter known as Sheltering Arms; and

WHEREAS Orange County churches and service organizations have provided financial and in-kind support to Sheltering Arms; and

WHEREAS the Commonwealth of Virginia has in the past provided substantial financial support for Sheltering Arms; and

WHEREAS the Commonwealth of Virginia has begun reducing its support for homeless shelters and expects to severely limit support in favor of a different method of dealing with homelessness; and

WHEREAS the Greater Orange Community Development Corporation has insufficient funding to continue operating Sheltering Arms and decided to close it; and

WHEREAS the Orange County Board of Supervisors voted to appropriate sufficient funding to keep Sheltering Arms operating for one additional month so as to provide the Orange County Director of Social Services sufficient time to relocate current Sheltering Arms residents; and

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does encourage the churches and service organizations that have supported Sheltering Arms in the past to gather together and explore how they might continue to support efforts to combat

homelessness either individually, collectively or in conjunction with Orange County Social Services.

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

RE: PHONE SERVICES IN COUNTY OFFICES: SUPERVISOR FRAME

Supervisor Frame stated that recently there have been a number of problems with the County's phone and internet services. Mr. Frame stated that he understands that Verizon has not been particularly responsive and asked that a complaint be made to the State Corporation Commission. Discussion ensued about the effect of the service interruptions on the school system, the courthouse, and local businesses.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the County Administrator to draft a letter of complaint regarding Verizon services, from the Chairman on behalf of the Board, to the State Corporation Commission, and to send a copy of the letter to applicable State Legislators.

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

RE: RESOLUTION OF RECOGNITION FOR ELEANOR TALLEY: SUPERVISOR GOODWIN

Supervisor Goodwin stated that Mrs. Eleanor Talley recently passed away, but was born in Orange County 106 years ago and remained a lifelong resident, and that her brother, age 104, is also a lifelong resident of Orange County. Mr. Goodwin stated he would like for the Board to consider a resolution of recognition for her life.

Supervisor Abbs moved to direct staff to draft a resolution of recognition for the lives of both Eleanor Talley and her brother Randolph Johnson.

Discussion ensued about the proposed resolution and about the presentation of the resolution. Julie Jordan, County Administrator, stated that staff could present the draft resolution at the October 25, 2011, meeting for the Board's consideration.

Supervisor Abbs withdrew her motion.

By consensus, the Board approved the County Administrator to prepare a resolution for the Celebration of Life for Eleanor Talley and her brother, Randolph H. Johnson, and to present the resolution to the Board for approval on October 25, 2011. It is the intent to present the resolution to its designated recipients at the proposed December joint meeting with the Nursing Home Commission.

RE: DISCUSSION ON SECTION 70-304 OF THE ZONING ORDINANCE AND RELATED SUBDIVISION ORDINANCE: SUPERVISOR GOODWIN

Supervisor Goodwin stated that about six weeks ago, the Board considered changes to Section 70-304 of the Zoning Ordinance and related Subdivision Ordinance and wants to know why the discussions have not continued on the changes proposed at the August 30, 2011, work shop meeting.

Discussion ensued regarding the Board's previous discussions on the matter, Virginia Department of Transportation regulations, the leave of absence of the Planning Director, parent parcels, lot sizes, the schedule of the Planning Commission, the Board's current action on the matter and incorporating changes into the County's Zoning Ordinance.

Mr. Goodwin moved, seconded by Mr. Wilson, to send the changes for Section 70-304 of

the Zoning Ordinance and related Subdivision Ordinance discussed at the August 30, 2011, work shop to the Planning Commission for their edit and review.

Ayes: Goodwin, Wilson. Nays: Abbs, Burkett, Frame.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Virginia Department of Transportation Monthly Report for October

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

RE: POTENTIAL FY 2012-2013 BUDGET SCHEDULE

Julie Jordan, County Administrator, stated that the Board would receive the proposed FY 2012-2013 budget schedule during the next week, for consideration for adoption at the October 25, 2011 meeting.

RE: CLOSED MEETING

At 5:29 p.m. Ms. Pandak read the following motion authorizing Closed Session:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- Two matters of legal advice regarding contractual matters (§2.2-3711.A.7 VA Code Ann.) ; and
- One matter of probable litigation, where consultation in open meeting would adversely affect the posture of the County (§2.2-3711. A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A.7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter(s) in Closed Meeting.

Mrs. Abbs made a motion, seconded by Mr. Burkett and carried, to approve the resolution as presented.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:01 p.m. Ms. Pandak read the following resolution certifying the closed meeting:

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 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 made a motion, seconded by Mr. Goodwin and carried, to approve the resolution as presented.

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

RE: PUBLIC COMMENT

At 7:01 p.m. Chairman Frame opened the floor for public comment. The following individual spoke:

- Leslie M. Babis, 34102 Rapidan Run Court, Locust Grove, Virginia, commented on the road conditions of Rapidan Run Court.

There being no additional speakers, public comment was closed.

Discussion ensued regarding the developer's current existence and the Freedom of Information Act (FOIA) documentation previously provided to Ms. Babis.

Supervisor Wilson thanked Ms. Babis for all of the information she provided to the Board and for coming before the Board to speak. Mr. Wilson requested the Board send a letter to the Locust Grove Post Office letting them know that the Board is aware of the situation and requesting that the Post Office continue to deliver mail to Rapidan Run Court.

By consensus, the Board directed staff to send a letter to the Locust Grove Post Office about the road condition of Rapidan Run Court, conveying the Board's request that the Post Office continue mail service on this road.

RE: BOARD COMMENT

No comments were made at this time.

RE: ACTION FOLLOWING CLOSED MEETING

Supervisor Burkett stated that he has received numerous complaints about Village Motorsports and their refusal to abide by the proffers that were originally granted when they received their rezoning.

Mr. Burkett moved, seconded by Mr. Frame and carried, to authorize the County Attorney to proceed with a lawsuit for enforcement of all proffers that are not presently involved in the Board of Zoning Appeals suit.

Supervisor Abbs shared the perspective that it is a shame that the Board has to continue to have lawsuits to have people do simply rudimentary things. Supervisor Burkett said that Village Motorsports is being noncompliant and that our zoning ordinance and any proffers agreed to, need to be enforced.

Ayes: Abbs, Burkett, Frame. Nays: Wilson, Goodwin.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Wilson and carried, to adjourn the meeting at 7:12 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

---

Lee Frame, Chairman

---

Julie Jordan, County Administrator