At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 27, 2007 beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Clement L. Dodson, Jr., Vice-Chairman; Thomas E. Graves; Teri L. Pace; and Richard D. Wallace. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Wallace moved, seconded by Mr. Dodson and carried, to adopt the agenda as revised. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: CONSENT AGENDA

Mr. Wallace moved, seconded by Mr. Dodson and carried, to approve the following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

- $1,887.50 from allocation for the specific purpose by donors 3/1/07 to Animal Shelter, Emergency Veterinary Fund (35200-3115);
- $190.00 from Donations 3/01/07 (18990-0305) to Animal Shelter, Professional Services S/N (35200-3116);
- $1,542.00 from Donations 3/01/07 (18990-0305) to Animal Shelter, Shelter Renovations Donations (94530-1055);
- $2,045.81 from Donations 3/01/07 (18990-0305) to Animal Shelter, Shelter Donation Microchip (94530-1056);
- $700.00 from Donation Don Leake (18990-0800) to Sheriff's Office, Response Team Line Item (31200-6060);
- $200.00 from Money order 11/30/06 (18990-0800) to Sheriff's Office, Community Policing Line (31200-5844).

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

- $2,000.00 from Economic Development Authority, Contingencies and Incentives (100-81550-3900) to Economic Development, Career Awareness Tours (100-81500-5681);
- $25,000.00 from Capital Landfill, Solid Waste Reserve (513-94600-1070) to Solid Waste Disposal, Professional Services (513-42400-3100).

RE: PROCLAMATION OF CHILD ABUSE PREVENTION MONTH

The Board approved the following proclamation for Child Abuse Prevention Month:

PROCLAMATION

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of April as **Child Abuse Prevention Month** in Orange County, Virginia.

Whereas, every child in our great Commonwealth is a precious gift, full of promise and potential; and

Whereas, child abuse and neglect is a serious problem in Virginia and across the nation; and

Whereas, the prevention of child abuse is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

Whereas, all children learn from role models at home, at their place of worship, at school and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

Whereas, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy;

Now therefore we, the Orange County Board of Supervisors, do hereby recognize April 2007 as **Child Abuse Prevention Month** in Orange County and we call this observance to the attention of all our citizens.

RE: RESOLUTION OF APPRECIATION – DR. FRANK TURNAGE

Resolution in Appreciation of
Dr. Frank S. Turnage

WHEREAS, Dr. Frank S. Turnage, admirably served as the President of Germanna Community College from November 1986 until December 2006, during which time he provided strong leadership, hard work, and dedication to improving educational excellence of the institution; and

WHEREAS, Dr. Turnage has partnered with Orange County on numerous occasions to provide high quality, accessible learning opportunities and related services to the community at the Locust Grove Campus of Germanna Community College located in Orange County; and;

WHEREAS, Dr. Turnage's vision to locate a Pool and Fitness Center on the grounds of the Locust Grove Campus to provide a facility to enhance the educational opportunities at the college and to meet the needs of the community has been embraced by Orange County and its citizens; and

WHEREAS, Dr. Turnage's vision and leadership of this project has resulted in donations and pledges totaling $2,213,159 including a contribution by the Board of Supervisors of $150,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the ***Orange County Board of Supervisors*** does hereby commend Dr. Frank S. Turnage for his vision, leadership, and commitment to education during his tenure at Germanna Community College.

BE IT FURTHER RESOLVED, that the Orange County ***Board of Supervisors*** extends its heartfelt wishes to Dr. Frank S. Turnage for a happy and healthy retirement.

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

There were no comments made by Board members at this time.

RE: PUBLIC APPEARANCES

On behalf of the Board, Chairman Johnson presented a Proclamation for Boys and Girls Club Week to Sheila Donnelly, Executive Director of the Orange Unit of the Boys & Girls Club.

RE: ACTION ITEMS

RE: LEASE/PURCHASE OF AMBULANCES

Jamie Clark, Director of Fire & EMS, stated that he had received a proposal from Singer Associates for the lease/purchase of four new ambulances to be used by the volunteer and career agencies in Orange County. Currently, the County owns one 2006 Med Tec ambulance with a second ambulance scheduled for delivery in May, 2007. If the Board approves the lease/purchase of the additional ambulances, the County will hold ownership of six ambulances. Mr. Clark explained his reasoning for the purchase of four additional ambulances including: the units purchased would be priced under the 2005 state contract pricing (which will expire at the end of March, 2007); the proposed purchase would upgrade the fleet to the current technology and most importantly provide the safest fleet for providers; the proposed purchase will improve the fleet's standardization for parts, servicing and personnel training; the proposed purchase would flat line the maintenance costs due to having newer units and warranty coverage; looking long term, the County would save tax dollars due to having an annual fixed payment that is lower than what is currently being spent for one new unit; and the appropriate rotation of the units, with regard to mileage accumulation, should stagger the replacement time frame for each unit.

Mr. Rolfe stated that staff is trying to determine the adequate number of ambulances needed so that a policy can be made. Discussion ensued including: mileage accruals and the need for four new ambulances.

Following discussion, Mr. Wallace moved, seconded by Mr. Dodson and carried, to approve an agreement with Singer Associates for the lease/purchase of four additional ambulances. Ayes: Johnson, Graves, Dodson, Wallace. Nays: Pace.

RE: SOLID WASTE UPDATE

Lynn Klappich of Draper Aden Associates, briefed the Board on future disposal options; operational issues; transfer station versus landfill; and costs associated with landfill closure. Mr. Rolfe stated that the County cannot operate a new landfill like the old one. A solid waste municipal landfill will cost two times as much as the old one. Discussion ensued including: transfer site; recycling program; trained personnel and properly operated equipment. Mr. Rolfe concluded by saying that staff recommendation is to operate a landfill transfer station and to prepare a Request for Proposals to operate the landfill. The Board took no action at this time.

RE: SEWER EASEMENT ON REGIONAL JAIL

Mr. Patrick stated that the Board previously considered and approved an easement for the installation of a sewer line from an adjoining property owner to connect with the existing sewer line located on the property of the Central Virginia Regional Jail. Recently the contractor for the installation of the sewer line was on site and discovered subsurface conditions which require a relocation of the proposed sewer line. He explained that the new location will parallel with the railroad track and will include a temporary construction easement. Mr. Patrick concluded by saying that the Central Virginia Regional Jail Board has considered and approved the request but since the County is a co-owner of the property, the Board must act on this request along with the other co-owners.

Mr. Graves moved, seconded by Mr. Wallace and carried, to authorize the County Administrator to execute a Deed of Easement and Deed of Release and Vacation of Easement. Ayes: Johnson, Graves, Dodson, Wallace. Nays: None. Abstain: Pace.

RE: CONTINGENCY FUND TRANSFER

Mrs. Pace requested that this item be pulled from the consent agenda for discussion. Following discussion, Mr. Wallace moved, seconded by Mr. Dodson and carried, to approve the following contingency fund transfer as presented:

- $3,425.00 from (091400-9210) to Public Works, Snow Removal (43200-5190).

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: ACTION ITEMS CONTINUED

RE: ORANGE COUNTY NURSING HOME

Mr. Rolfe explained that the Orange County Nursing Home is trying to secure financing for its renovation project. He stated that the proposed resolution states that, if requested to do so, the County is willing to provide collateral in a form that is reasonable and customary (such as cash, readily marketable securities or a letter of credit), in an amount up to three million dollars. Mr. Rolfe concluded by saying that this would be a moral obligation. A lengthy discussion ensued concerning the County's obligation and committal of these funds.

RE: BANK LOAN RESOLUTION (WACHOVIA)

Mr. Graves moved, seconded by Mr. Dodson and carried, to approve the following resolution as presented:

RESOLUTION OF THE BOARD OF SUPERVISORS
OF
ORANGE COUNTY

WHEREAS, Orange County has long supported senior care in the community by owning current facilities, and appointing members of the Orange County Nursing Home Commission to oversee operations, without the necessity of appropriating general funds; and

WHEREAS, the Commission and Orange County Senior Living, Inc. [a Virginia non-stock charitable corporation] have identified a critical need in the community for assisted living facilities and have embarked on a plan to construct and operate such a facility on the current campus of the Orange County Nursing Home; and

WHEREAS, completion of such a facility will also make additional nursing home beds available; and

WHEREAS, the Project is to be financed through long term USDA and Bank loans; and

WHEREAS, the start of the Project has been delayed nearly a year due to length of USDA loan process; and

WHEREAS, the USDA funding will likely not be available except over several Federal fiscal years; and

WHEREAS, additional bank construction financing may be necessary depending on the timing of USDA loans, requiring additional collateral to secure acceptable terms.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, VIRGINIA:

The Orange County Board of Supervisors hereby agree that, if requested to do so by the Board of Directors of Orange County Senior Living, Inc. and the Orange County Nursing Home Commission, the County is willing to provide collateral in a form that is reasonable and customary (such as cash, readily marketable securities or a letter of credit), in an amount up to three million dollars ($3.0 million), to support a portion (approximately 17%) of the interim/construction financing for the new assisted living facility or the completion of its construction. Such collateral shall be pledged for a period not to exceed 36 months or the achievement of stabilized operations at the facility as outlined in the Wachovia term sheet to Orange County Senior Living Inc., whichever is later. The collateral may be maintained in an account held by or for the benefit of the lender[s] for the facility and withdrawn under such conditions as are agreed upon by such lender[s] and the County.

Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Commission, Orange County Senior Living, Inc. or to any other person or entity (unless specifically set forth otherwise), and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

Adopted by the Orange County Board of Supervisors at its regular meeting held on the 27th day of March, 2007.
Ayes: Johnson, Graves, Dodson, Pace. Nays: none. Abstain: Wallace.

RE: USDA RESOLUTION

Mr. Graves moved, seconded by Mr. Dodson and carried, to approve the following resolution as presented:

RESOLUTION OF THE ORANGE COUNTY BOARD OF SUPERVISORS

WHEREAS, Orange County Senior Living Incorporated, a Virginia non-stock charitable corporation, in association with the Orange County Nursing Home Commission, is proposing to construct and operate a new assisted living facility in the Town of Orange to offer quality and affordable residential care, and

WHEREAS, the new 85,000 square foot facility is desperately needed to serve the aging population of Orange County and the surrounding areas, and

WHEREAS, Orange County Senior Living, Incorporated has applied to the United States Department of Agriculture for a Rural Development loan to finance the project, and

WHEREAS, USDA will take a Leasehold Deed of Trust on the property to be developed to secure the loan and seeks assurances from this Board that, in the event of a default, this Board would allow USDA to take necessary steps to resolve the default, such as re-leasing the property.

NOW THEREFORE BE IT RESOLVED:

That the Orange County Board of Supervisors assures the United States Department of Agriculture that, in the event of a default on the Rural Development loan, that USDA shall have all of its rights under the Leasehold Deed of Trust and may exercise those rights to resolve such default.

Adopted by the Orange County Board of Supervisors at its regular meeting held on the 27th day of March, 2007.

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: JOINT PLANNING AREA

Supervisor Dodson requested that this item be added to the agenda for discussion. He explained that the Town Planning Commission met with the Orange County Planning Commission to discuss the Joint Planning Area. The Orange Planning Commission would like a commitment from the Board of Supervisors that it is in support of a collaborative effort to further explore the Joint Planning Area.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to support the concept of the exploration of a Joint Planning Area. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: NEW MILLENIUM SPORTS COMMITTEE APPOINTMENT

Supervisor Dodson requested that this item be added to the agenda for discussion. He explained that the New Millenium Sports Committee is seeking an appointment for a County representative to serve on the Committee.

Mr. Dodson moved to authorize the County Administrator to appoint a County representative to the Committee. Mr. Wallace seconded the motion for discussion. He suggested that possibly a staff member from Parks and Recreation could serve in this capacity. Mr. Rolfe stated that a representative from the Parks and Recreation Department is serving in an advisory capacity. Following discussion, the following vote was taken: Ayes: Johnson, Graves, Dodson. Nays: Pace, Wallace.

RE: SOCIAL SERVICES BUDGET REQUEST

Supervisor Dodson requested that this item be added to the agenda for discussion. He explained that he had been contacted by a member of the Social Services Board regarding a budget request they had submitted for a full-time position. He indicated that Bob Lingo, Director of Social Services, and the Social Services Board feel that the position is warranted. They would like for the Board to reconsider the request. Mr. Rolfe stated that he had received a call from Mr. Lingo explaining the situation. Social Services is in need of an additional person to respond to calls/complaints concerning Child Protective Services and Adult Protective Services. Mrs. Pace stated that these are the two most vulnerable members of society. Chairman Johnson agreed with Mrs. Pace that these are the two most vulnerable members of society. However, he stated his frustration with past issues with the Department of Social Services and an employee setting up unauthorized bank accounts and nearly committed a crime. At that time, Mr. Lingo didn't take any action and the Board has nothing to fight with.

Following a brief discussion, Mr. Wallace moved, seconded by Mr. Dodson and carried, to approve the position as requested. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: INFORMATION ITEMS

RE: RAPPAHANNOCK JUVENILE DETENTION CENTER – FINANCIAL REPORT (JUNE 30, 2006)

The Board received a copy of the Rappahannock Juvenile Detention Center Financial Report dated June 30, 2006.

RE: CALENDAR

The Board received copies of its March, April and May, 2007 calendar. By consensus, the Board canceled the April 12, 2007 Budget Worksession.

RE: CLOSED SESSION

At 9:07 p. m., Mr. Wallace stated, "Mr. Chairman, I move this meeting be recessed and that the Orange County Board of Supervisors immediately reconvene in closed session for the following purposes:

- Consultation with legal counsel retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel, regarding a claim by Robert and Anne Reinhardt, as permitted by Virginia Code section 2.2-3711(A)(7);

- Discussion concerning prospective businesses or industries where no previous announcement has been made of the businesses' or industries' interest in locating their facilities in the community, as permitted by Virginia Code section 2.2-3711(A)(5);

- Consultation with legal counsel and briefings by staff members pertaining to probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body, regarding erosion and sediment control violations, as permitted by Virginia Code section 2.2-3711(A)(7);

- Discussion or consideration of the acquisition of real property for a public purpose, that being for a school, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Virginia Code section 2.2-3711(A)(3); and

- Discussion or consideration of the disposition of real property, that being Tax Map Parcel 57-30F, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Virginia Code section 2.2-3711(A)(3)."

The motion was seconded by Mr. Graves and carried. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: OPEN SESSION

At 11:14 p.m., Mr. Dodson moved, seconded by Mr. Graves and carried, to reconvene in open session whereupon the Board adopted the following resolution:

WHEREAS, the Orange County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Orange County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Orange County Board of Supervisors.

The motion carried. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:14 p.m.