BOARD OF SUPERVISORS MINUTES **SEPTEMBER 25, 2007**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 25, 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, 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 approve the agenda as presented. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: CONSENT AGENDA

Mr. Johnson requested that the minutes be removed from the Consent Agenda for discussion. He stated that he feels the minutes are being abused by one member of the Board to go back through and add in comments that she made. He indicated that there are two ways this can be done which are fair and above board: one is to request it at the time you are saying it during the Board meeting and request that it be reflected in the minutes and the other way is to bring it up at this point and request that particular language be included. He stated that he doesn't like the fact that additions are being made after staff has drafted the minutes. One Board member is going back and asking that certain things be added and then they get presented to the Board as being a recommendation of staff. He concluded by saying that he has an objection to that and doesn't think that is the way minutes are intended. Minutes are not supposed to be verbatim and anytime changes are made, Board members should be above-board about it rather than calling on staff individually requesting certain things be added to the minutes. He requested that the minutes be put back to state they were in when they were first distributed to the Board by Mrs. Curry, deleting the sections that were added by a single Board member.

Mrs. Pace stated that she must have misunderstood because her understanding was that when Board members receive the minutes, they are supposed to review them and get back to the staff if a Board member feels there is something important that has been left out or has been misrepresented. She stated that she thought that was the intention as to the reason the Board got the minutes in advance to review. She did not feel that there had been any misrepresentation and indicated that she felt it is important that the gist of the meeting be portrayed and that there be continuity in the minutes. Mrs. Pace noted that Mr. Johnson made a remark during the public hearing concerning the special use permit to construct a middle school. She stated that in that comment, Mr. Johnson suggested that adding onto the current school would only add a limited 200 additional students. Mrs. Pace stated that she thought it was very important for the record that she is not advocating adding on to only add space for 200 students, but if the sixth graders are pulled out, who are a new addition to the middle schools since 2004, prior to that sixth graders were only at Prospect Heights Middle School. They were in elementary schools everywhere else except for in the Town of Orange. Mr. Johnson interrupted Mrs. Pace and stated that, with all due respect, the discussion is about the minutes not of the middle school issue. Mrs. Pace stated that she understood that, but she wanted to include the information because she didn't feel that Mr. Johnson's comment, which had been included in the minutes in response to a comment she had made; she felt that her comment in response to his concerning an additional 200 students, it would have been an additional 400 students, and she felt that that information was very important. Mr. Johnson stated that that is fine if Mrs. Pace wanted to bring that up at this time and ask that it be included; however, he indicated that his objection is not to Board members making changes to the minutes; his objection was to the manner in which it was being done.

Mrs. Pace clarified the process for making changes to the minutes. Mr. Johnson stated that in the past, if typographical errors have been made or mistakes of facts, such as the voting record, those types of errors are to be brought to the attention of the staff. He stated that he did not recall the minutes being used in the way that she had been using them to go back and selectively pick out arguments that she wanted to be included in the minutes to counter argue other parts of the minutes. Mr. Johnson stated

that he had nothing to do with drafting the minutes as staff does that. He stated that if Mrs. Pace feels that the minutes have not been drafted fairly representing the discussion, that she has a right to ask that they be amended. However, it should be done with the rest of the Board clearly understanding that a change is being requested. Mr. Johnson stated that when the Board receives a revision, it doesn't know who is making the changes most of the time. Mrs. Pace stated that she assumed the Board knew what it was getting because the changes had been highlighted when the revision is distributed. Mr. Johnson stated that the changes are highlighted but there is not a reason for the changes being there. Mrs. Pace stated that naturally she doesn't ask for anything to be included in the minutes that didn't happen. Therefore, if she feels that something is important and pertinent to the meeting, she clarified that Mr. Johnson would prefer that it be brought up at the Board meeting. She explained that she thought it saved time to submit the changes prior to the Board meeting but she is happy to make the changes at the meeting.

Mr. Wallace stated that he was in agreement with Mr. Johnson because it is too easy for Mrs. Pace to go in and change what she thought compared to what the overall Board thought. If there is going to be a change it needs to be made during the Board session. Mrs. Pace stated that that is fine but it is not what she thought, it is what happened. Mr. Wallace stated that that leads to putting in her verbiage. Mrs. Pace stated that Mrs. Curry gets the information from the recordings. She asked Mr. Johnson if the Board could discuss the minutes at this time. Mr. Johnson stated that that is what the Board is doing. Mrs. Pace suggested the following changes:

- Page 2 – Mrs. Pace indicated that the Homeowners Association understood that there would be limited patrol and they are not expecting any more coverage than they are already getting. Mr. Rolfe noted that this is the only subdivision in Orange County that has a public golf course which makes this subdivision very unique. Mrs. Pace confirmed with Sheriff Amos that, if in the area, it would be advantageous to enforce traffic violations. Sheriff Amos indicated that it would, he just didn't want there to be an expectation that the area would be patrolled on a regular basis. Mr. Wallace stated that Mr. Rolfe made a good point that there is a public facility on a private road which doesn't make much sense.

- Page 3 - Mr. Rolfe stated that he just wanted the Board to understand that one other pump station on Route 20 would not serve the rest of the community by gravity line. He stated that the Town of Orange does not allow any connection to force main sewers, directly from a house to a force main; therefore, additional lines will have to be gravity lines feeding back into one or more pump stations depending on the need in the corridor and the distance a gravity line can go from a pump station. Mrs. Pace stated that in the contract with Key Construction Company, Inc., they did not list a pump station project and she was concerned whether Mr. Rolfe had had a discussion with the construction company to make sure they had done a pump station project. Mr. Rolfe indicated that yes he has had conversations with Key Construction Company Inc. and they plan to bring in a subcontractor to do some of that work.

- Page 10 – Mrs. Pace stated that you don't just look at A & B options you must look at the entire alphabet. She explained that if students were rearranged so that the older students could be in the current middle school and builds another ~~middle~~ elementary school for 600 students, then take the sixth graders out of the current middle school and add on for 200 students, an additional 400 seats would be available which would be more valuable to the County.

Mrs. Pace noted that during the aforementioned discussion, she mis-spoke and said middle school rather than elementary school and everyone knows that she has been advocating an elementary school not a middle school.

Mr. Johnson stated that, again, the minutes cannot be turned into a second argument of everything that went on. He stated that he feels the Board needs to give staff very clear guidelines about

what it wants in the minutes. He noted that he is certainly not saying that there is never a case where clarification is necessary, such as what Mrs. Pace is requesting. He stated that nothing he has said suggests that the proposed revisions are not good comments or helpful comments, but the problem is minutes are not supposed to be verbatim and are not supposed to include all of the comments. If one Board member is going through the meeting and pulling out their choice quotes, it really can lead to a bias document when it is complete. Mrs. Pace stated that she didn't feel they were choice quotes; she just wanted to make sure that the gist of what was discussed was included in the minutes because that is what is important about the minutes. She stated that the statements were important aspects of the conversation.

Mr. Wallace stated that he feels that any future changes to the minutes need to be brought before the Board. Mrs. Pace stated that that is fine if that is how the Board wants to do it. She stated that she thought the process she had been using was the correct process. She concluded by saying that in the future, she will bring all changes before the Board.

Mrs. Pace moved to approve the August 14, 2007 minutes as amended. Mr. Johnson clarified the proper way to handle a mis-spoken comment. Mr. Patrick stated that obviously what was included in the proposed minutes is an accurate statement of what did occur as far as the term middle as opposed to elementary, it is also understood that Mrs. Pace was mis-speaking at that particular time and in reality the statement should have been elementary as opposed to middle. Mr. Johnson asked Mr. Patrick to clarify how that change should be handled in the minutes. Mr. Patrick stated that the minutes needed to contain some type of commentary to the effect that it was intended to be stated as an elementary school as opposed to middle school. Mr. Rolfe recommended that the current discussion be included in the minutes to let it reflect that Mrs. Pace mis-spoke during the August 14, 2007 meeting and meant to say elementary rather than middle so that if someone is following through they will see that it was corrected at the next meeting. Mr. Wallace clarified that the August 14, 2007 minutes will not be changed to reflect that; the change will be reflected in the current set of minutes. Mr. Rolfe stated that that is not what he was saying. He just wanted to explain to the Board that there is a sequence and history that the Board is having on whether to approve the minutes and some corrections were made, and one of the corrections requested was by Mrs. Pace regarding a mis-spoken comment where she stated middle school and it should have been elementary school. She has brought it up and it is now a part of the official minutes if the Board chooses to adopt. Mr. Johnson clarified that Mr. Rolfe is suggesting making the change on the August 14, 2007 minutes now and the discussion during the current meeting would reflect the change.

There being no further discussion, Mr. Dodson called for the question. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: PUBLIC COMMENT

There being no one wishing to speak, public comment was closed.

RE: BOARD COMMENT

The Board members made no comments at this time.

RE: PUBLIC APPEARANCES

Adrianna Cowan Waddy, President of the Orange County Habitat for Humanity, introduced Wade Ferguson, Vice-President and Skip Bond, Habitat Board member. She stated that Habitat for Humanity is requesting the Board's partnership in applying for a Community Development Block Grant (CDBG) to help offset costs for the construction of a road on their latest land purchase, a 38 acre tract of land off Tatum Road in Orange County. She stated that their goal is to procure approximately twelve lots from the property. Mrs. Cowan-Waddy indicated that because it is in four parcels and wetlands have been located on the property, it will be hard to get more than twelve lots. She noted that they plan to sell some of the lots, as necessary, to help finance the homes that will be built. She indicated that the proposed project will help the County comply with the state's request for "low income housing" in Orange County. She

concluded by saying that their goal is to build one home per year for twelve years or perhaps less, dependant on how much land they have to sell. She distributed information to the Board for its review and consideration.

Discussion ensued among the Board including: the amount of the grant request; who would administer the grant; and whether application of the proposed grant would be in competition with the Route 20 Sewer Project CDBG.

Mr. Rolfe stated that one is a planning grant and the other is a construction grant. He indicated that he is not aware of other localities that have received both a construction grant and a planning grant simultaneously. He stated that the Board needed to make a decision on the planning grant because an application has to be submitted before September 30, 2007. Mr. Rolfe concluded by saying that both grants can be applied for but he is not sure that both would receive funding.

Mr. Ferguson explained that he and his family are the recipients of a habitat home and stated that he believes in what Habitat for Humanity is doing, so much so, that he joined the Board of Directors.

RE: ACTION ITEMS

RE: REQUEST FROM HEALTH DEPARTMENT FOR USE OF LOCAL FUNDS

Dr. David Compton, Regional Health Director, explained that every year the health district develops a budget for each county, based on a needs assessment, and requests matching funds from the State. This year, due to shortfalls in the State government, not all of the state funding request was received. He stated that a large portion of the funds in Orange County were to be used for dental services for children. He stated that they have made adjustments; however, there continues to be a shortfall for supplies in the dental clinics if they cannot maintain the local funding of $24,694. Dr. Compton indicated that they are not requesting additional funds; they are requesting that the funds be re-designated as local only. He stated that the dental clinics are provided to students who receive free and reduced lunches totaling 1,400 in Orange County. Dr. Compton concluded by saying that the Health Department dentist sees approximately one-third more patients in a five-county area than any other dentist in the state. Therefore, he is also trying to hire another dentist for the region because it is such a large area.

Discussion ensued including: funds being used exclusively for Orange County; and whether the funds will be allowed to be used for the match if the state comes through with its share.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to approve the request from the Health Department as presented to re-designate funds as local only. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: REQUEST FROM THE CIRCUIT COURT CLERK'S OFFICE TO CONVERT A PART-TIME POSITION TO FULL-TIME STATUS

Mr. Rolfe stated that Mrs. Timmons is requesting the Board's approval to convert a part-time position to full-time status. Linda Timmons, Clerk of the Circuit Court, explained that due to the increase in criminal and civil cases, the request for jury trials has risen sharply. Most cases are set for two days of trial instead of one. Case loads have increased 25% from CY2006; and is estimated to exceed that percentage by the end of year. The number of criminal orders prepared and processed has also increased over 17% since 2006 and most likely will go over this percentage. She requested the Board's approval to convert the part-time position in jury management to a full-time position, sharing responsibilities with the criminal department and the jury management department.

Discussion ensued including: the increases in crime; the possibility of hiring another part-time person to assist in the second court room; and the possibility of fees to offset expenses.

Mr. Wallace moved, seconded by Mr. Graves and carried, to transfer $12,414 from the contingency fund to convert a part-time position to full-time status. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: TELEPHONE SYSTEMS MAINTENANCE AGREEMENT RENEWAL

Vanetta Pledger, Information Technology Director, explained that the County's contract with Advanced Network Systems (ANS) for a one-year maintenance agreement for the Voice over Internet Protocol (VoIP) phones is up for renewal. The County's VoIP phones are integrated with the Wireless network. Staff recommends that ANS be used for maintaining the telephone systems until the existing Wireless contract is fulfilled, then compete the contract for telephone systems maintenance. She stated that ANS has proposed a one-year agreement with the following components: 24 hours per day, seven days per week service with 4 hour response time; 6 major outages; and hardware replacement on all core components. The proposed one-year agreement is comparable to that of the last year's agreement and the quoted cost is $11,990.

Mr. Dodson moved, seconded by Mr. Wallace, and carried to authorize the County Administrator to enter into a one-year contract with Advanced Network Systems (ANS) for maintenance of the telephone systems in the amount of $11,990.00. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: AUTHORIZATION TO APPLY FOR A CDBG PLANNING GRANT

Mr. Rolfe explained that progress continues on the construction of the Route 20 Sewer Line project associated with the Community Development Block Grant (CDBG). Key Construction has been given a Notice to Proceed beginning on October 15, 2007. He stated that when the project was first conceived, the County planned to explore, as a second phase, the households along Route 20 who were having problems with their current septic systems. Mr. Rolfe indicated that the next step to the process is to apply for an additional CDBG award in order to study the feasibility of connecting residences to the sewer. Project activities would include:

- Preparation of a preliminary engineering report;
- Collection of income surveys and user agreements; and
- Development of a community needs assessment.

He noted that there has been a significant investment at the federal and local levels. For the investment to see the greatest return and continue to benefit the low to moderate income citizens of Orange County, the County needs to implement the second phase and connect failing residential systems. Furthermore, on a number of occasions the Department of Housing and Community Development has reminded the County of its success in obtaining economic development grants and has stipulated that it must submit a request for a planning grant for some type of housing assistance project. He commented on the timing of the proposed Habitat for Humanity application and stated that, while he thinks it is a good idea, he is not sure that both of the grants would be awarded.

Discussion ensued including: requirement from the State for a housing assistance project; Habitat for Humanity application and how the proposed neighborhood would look; whether the State would give an indication as to which project it would prefer; determination of who would qualify for the sewer project; the number of applications that a locality can submit per year; and the number of low to moderate income workers who live in Orange County.

Mr. Dodson moved, seconded by Mr. Graves and carried, to send a Planning Grant Letter of Interest to the Virginia Department of Housing and Community Development to study the feasibility of connecting residential units along Route 20 to municipal sewer and direct the County Administrator to research the proposed Habitat for Humanity grant application. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: HOLIDAY SCHEDULE

Mr. Rolfe explained that the State is granting additional holiday time for Thanksgiving, Christmas and New Year's Day. Specifically, the State is granting an extra half day off on Wednesday, November 21, 2007, in addition to the normal Thursday, November 22, 2007, and Friday, November 23, 2007. Since Christmas Day is Tuesday, December 25, 2007, the State is granting a full extra day off on Monday, December 24, 2007. The same holds true for New Year's. The State is granting a full extra day off on Monday, December 31, 2007, since New Year's Day is Tuesday, January 1, 2008. He noted that the Board requested that it review the additional holiday time each year as it is proposed.

Discussion ensued regarding the half day on Wednesday, November 21, 2007, as not being necessary.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to authorize December 24, 2007, and December 31, 2007, as additional County holidays. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: NAME CHANGE FOR ORANGE COUNTY NURSING HOME

Mr. Graves stated that at a previous meeting, Vernon Baker, Orange County Nursing Home Administrator, suggested that the Nursing Home would like to change its name to "Dogwood Village". At that time, Mr. Wallace suggested that Orange County be included in the name. He explained that changing the name will assist with marketing purposes. Mr. Graves stated that as a result of feedback and discussions with Commission members, they plan to include "*OWNED AND OPERATED BY THE CITIZENS OF ORANGE COUNTY*" throughout brochures, stationary, business cards and on the main sign along Route 15.

Discussion ensued regarding: a waiting list for patients; the length of the waiting list; the majority of patients being Orange County citizens; safeguard for making sure that Orange County citizens have first priority; not for profit organization; caution for not forgetting the reason why the Nursing Home was established; and the need for an assisted living facility and filling it within a two year period.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to change the name of the Orange County Nursing Home to Dogwood Village of Orange County. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments made by the Board at this time.

RE: DISCUSSION ITEMS

RE: JOINT MEETING WITH THE ORANGE TOWN COUNCIL TO DISCUSS THE JOINT PLANNING AREA – NOVEMBER 5TH

Mr. Rolfe stated that a meeting date has been considered for discussion concerning the Joint Planning Area. The proposed date is Monday, November 5, 2007.

By consensus, the Board authorized the County Administrator to schedule a joint meeting with the Orange Town Council to discuss the Joint Planning Area on November 5, 2007.

RE: SUBDIVISION ORDINANCE UPDATE

Deborah S. Kendall, Director of Strategic Planning, and David Grover, Director of Community Development, reviewed recommendations from outside counsel regarding the Subdivision Ordinance update including: the addition of statutory references; definitions; duty of Clerk; interpretation and severability; procedures; fees; procedures for appeal; authority to grant waivers; compliance with other laws, rules, regulations and conditions; recordation; agricultural subdivisions; court-ordered subdivisions; family subdivisions; non-residential subdivisions; preliminary plan review and approval; debris and waste; shape; orientation; corner lots; lot layout; block length; block orientation; topography and arrangement; street names; access to adjoining property; allowance; and private street standards.

Discussion ensued including: lot layouts and town home lot sizes.

RE: RECESS

The Board took a short recess at 8:53 p.m. and reconvened at 9:00 p.m.

RE: SUBDIVISION ORDINANCE UPDATE CONTINUED

Discussion resumed regarding: lot shape regulations; set-back regulations; buffering standards; access to adjoining property; allowance; private street standards; and VDOT standards and regulations.

Mrs. Kendall noted that it was recommended that the following item be included in the Zoning Ordinance: divisions of land in the Agricultural zoning district – rate of division; appropriate for development; Comprehensive Plan and public dedications; street lights; and recreation.

RE: INFORMATION ITEMS

The Board received copies of the Orange County Library Board of Trustees meeting minutes for:

- April 19, 2007;
- May 17, 2007; and
- July 19, 2007.

RE: CALENDAR

The Board received copies of its September, October and November, 2007 calendar.

RE: CONSIDERATION OF A MOTION FOR CLOSED SESSION

At 10:07 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 purpose:

- Consultation with legal counsel and staff regarding actual litigation by Margaret Fletcher, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County, as permitted by Virginia Code section 2.2-3711(A)(7).

Mr. Dodson seconded the motion. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: OPEN SESSION

At 10:31 p.m., Mr. Wallace moved, seconded by Mr. Dodson and carried; to reconvene in open session where upon the Board adopted the following resolution:

WHEREAS, the Orange County Board of Supervisors has convened a closed 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 closed 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 closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed 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: ACTION FOLLOWING CLOSED SESSION

Mr. Wallace moved, seconded by Mr. Dodson and carried, to resolve the claim of Margaret Fletcher for the amount of $26,887.50, which is to be transferred from the Contingency Fund to line 11010-3100, Board of Supervisors Professional Fund. Ayes: Johnson, Dodson, Pace, Wallace. Nays: None. Abstain: Graves.

RE: ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:32 p.m.