BOARD OF SUPERVISORS MINUTES **JULY 8, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 8, 2008 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Teri L. Pace, Vice-Chairman; Zack Burkett; S. Teel Goodwin; and Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mrs. Pace moved, seconded by Mr. Burkett and carried, to approve the following consent agenda items:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following Supplemental Appropriations:

DEPT	ACCOUNT DESCRIPTION		AMOUNT	Funding Source
Sheriff	Security Work Overtime	$	2,078.11	Security Work
Sheriff	Forfeited Assets	$	300.47	Forfeited Assets
Sheriff	Forfeited Assets	$	292.96	Forfeited Assets
Subtotal Sheriff		**$**	**2,671.54**	
Animal Shelter	S/N Adoption Fees	$	480.00	Adoptable S/N
Subtotal Animal Shelter		**$**	**480.00**	
Est Midd Schl Prj	Other Contractual Services	$	5,644.51	Timber Sales
Est Midd Schl Prj	Construction Costs	$	46,763.99	Timber Sales
Subtotal Eastern Middle School Project		**$**	**52,408.50**	
	June Total	**$**	**55,560.04**	
	Fiscal Year to Date Total	**$**	**1,457,394.85**	

RE: MINUTES

The Board approved the minutes of March 25, 2008 - Regular Meeting as presented.

RE: PERSONNEL POLICY WAIVER

The Board authorized the County Administrator to waive Personnel Policy 5.1, Annual Leave, in the hiring of an Assistant Commonwealth Attorney due to the experience of the individual. The candidate will be offered four weeks of annual leave as requested by the Commonwealth Attorney.

RE: CHILD CARE FEES AMENDMENT

The Board authorized the Recreation Department to include the return check fee equal to the amount charged by the Treasurer and amend the out-of-county four child family rate and authorize the late pick-up fee.

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

Mrs. Pace requested that the following items be pulled from the Consent Agenda for discussion:

- Budget Transfers;
- Library Increase of FY2009 Appropriations; and
- Request from the Sheriff's Office for Purchase Order Approval.

Following discussion, Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the following items as presented:

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
Human Resources	Reserve for Raises	Dept Public Works	Salary	67.58
Human Resources	Reserve for Raises	Dept Public Works	FICA	5.17
Human Resources	Reserve for Raises	Dept Public Works	Retirement	9.54
Human Resources	Reserve for Raises	Dept Public Works	Group Life	0.68
Human Resources	Reserve for Raises	Dept Public Works	Workers Comp	4.65
Human Resources	Reserve for Raises	OFEMS	Salary	235.75
Human Resources	Reserve for Raises	OFEMS	FICA	18.03
Human Resources	Reserve for Raises	OFEMS	Retirement	33.29
Human Resources	Reserve for Raises	OFEMS	Group Life	2.36
Human Resources	Reserve for Raises	OFEMS	Workers Comp	16.23
Human Resources	Reserve for Raises	OFEMS	Salary	403.75
Human Resources	Reserve for Raises	OFEMS	FICA	30.89
Human Resources	Reserve for Raises	OFEMS	Retirement	57.01
Human Resources	Reserve for Raises	OFEMS	Group Life	4.04
Human Resources	Reserve for Raises	OFEMS	Workers Comp	27.80
Human Resources	Reserve for Raises	E911	Salary	346.67
Human Resources	Reserve for Raises	E911	FICA	26.52
Human Resources	Reserve for Raises	E911	Retirement	48.95

Human Resources	Reserve for Raises	E911	Group Life	3.47
Human Resources	Reserve for Raises	E911	Workers Comp	0.50
Human Resources	Reserve for Raises	Wilderness Library	Salary	27.08
Human Resources	Reserve for Raises	Wilderness Library	FICA	2.07
Human Resources	Reserve for Raises	Wilderness Library	Workers Comp	0.04
Human Resources	Reserve for Raises	Sheriff-Courts	Salary	85.80
Human Resources	Reserve for Raises	Sheriff-Courts	FICA	6.56
Human Resources	Reserve for Raises	Sheriff-Courts	Workers Comp	1.58
Human Resources	Reserve for Raises	E911	Salary	25.13
Human Resources	Reserve for Raises	E911	FICA	1.92
Human Resources	Reserve for Raises	E911	Workers Comp	0.04
Human Resources	Reserve for Raises	Finance	Salary	84.33
Human Resources	Reserve for Raises	Finance	FICA	6.45
Human Resources	Reserve for Raises	Finance	Retirement	11.91
Human Resources	Reserve for Raises	Finance	Group Life	0.84
Human Resources	Reserve for Raises	Finance	Workers Comp	0.12
Human Resources	Reserve for Raises	Clerk Circuit Court	Salary	110.75
Human Resources	Reserve for Raises	Clerk Circuit Court	FICA	8.47
Human Resources	Reserve for Raises	Clerk Circuit Court	Retirement	15.64
Human Resources	Reserve for Raises	Clerk Circuit Court	Group Life	1.11
Human Resources	Reserve for Raises	Clerk Circuit Court	Workers Comp	0.16
Human Resources	Reserve for Raises	Clerk Circuit Court	Salary	190.08
Human Resources	Reserve for Raises	Clerk Circuit Court	FICA	14.54
Human Resources	Reserve for Raises	Clerk Circuit Court	Retirement	26.84
Human Resources	Reserve for Raises	Clerk Circuit Court	Group Life	1.90
Human Resources	Reserve for Raises	Clerk Circuit Court	Workers Comp	0.28
Human Resources	Reserve for Raises	Library	Salary	118.00

Human Resources	Reserve for Raises	Library	FICA	9.03
Human Resources	Reserve for Raises	Library	Retirement	16.66
Human Resources	Reserve for Raises	Library	Group Life	1.18
Human Resources	Reserve for Raises	Library	Workers Comp	0.17
Human Resources	Reserve for Raises	Wilderness Library	Salary	183.33
Human Resources	Reserve for Raises	Wilderness Library	FICA	14.03
Human Resources	Reserve for Raises	Wilderness Library	Retirement	25.89
Human Resources	Reserve for Raises	Wilderness Library	Group Life	1.83
Human Resources	Reserve for Raises	Wilderness Library	Workers Comp	0.27
Human Resources	Reserve for Raises	Library	Salary	177.58
Human Resources	Reserve for Raises	Library	FICA	13.59
Human Resources	Reserve for Raises	Library	Retirement	25.08
Human Resources	Reserve for Raises	Library	Group Life	1.78
Human Resources	Reserve for Raises	Library	Workers Comp	0.26
Human Resources	Reserve for Raises	Finance	Salary	338.25
Human Resources	Reserve for Raises	Finance	FICA	25.88
Human Resources	Reserve for Raises	Finance	Retirement	47.76
Human Resources	Reserve for Raises	Finance	Group Life	3.38
Human Resources	Reserve for Raises	Finance	Workers Comp	0.49
Human Resources	Reserve for Raises	Count Administration	Salary	183.08
Human Resources	Reserve for Raises	Count Administration	FICA	14.01
Human Resources	Reserve for Raises	Count Administration	Retirement	25.85
Human Resources	Reserve for Raises	Count Administration	Group Life	1.83
Human Resources	Reserve for Raises	Count Administration	Workers Comp	0.27
Human Resources	Reserve for Raises	Library	Salary	576.08
Human Resources	Reserve for Raises	Library	FICA	44.07
Human Resources	Reserve for Raises	Library	Retirement	81.34

Human Resources	Reserve for Raises	Library	Group Life	5.76
Human Resources	Reserve for Raises	Library	Workers Comp	0.84
Human Resources	Reserve for Raises	E911	Salary	119.83
Human Resources	Reserve for Raises	E911	FICA	9.17
Human Resources	Reserve for Raises	E911	Retirement	16.92
Human Resources	Reserve for Raises	E911	Group Life	1.20
Human Resources	Reserve for Raises	E911	Workers Comp	0.17
Human Resources	Reserve for Raises	Airport	Salary	82.00
Human Resources	Reserve for Raises	Airport	FICA	6.27
Human Resources	Reserve for Raises	Airport	Retirement	11.58
Human Resources	Reserve for Raises	Airport	Group Life	0.82
Human Resources	Reserve for Raises	Airport	Workers Comp	0.12
Human Resources	Salary	Finance	Salary	317.42
Human Resources	FICA	Finance	FICA	24.28
Human Resources	Retirement	Finance	Retirement	44.82
Human Resources	Group Life	Finance	Group Life	3.17
Human Resources	Workers Comp	Finance	Workers Comp	0.46
Human Resources	Salary	Finance	Salary	347.00
Human Resources	FICA	Finance	FICA	26.55
Human Resources	Retirement	Finance	Retirement	49.00
Human Resources	Group Life	Finance	Group Life	3.47
Human Resources	Workers Comp	Finance	Workers Comp	0.50
Human Resources	Salary	Count Administration	Salary	4,967.00
Human Resources	FICA	Count Administration	FICA	379.98
Human Resources	Retirement	Count Administration	Retirement	701.34
Human Resources	Group Life	Count Administration	Group Life	49.67
Human Resources	Workers Comp	Count Administration	Workers Comp	2.41

Human Resources	Reserve for Raises	Tourism	Salary	199.33
Human Resources	Reserve for Raises	Tourism	FICA	15.25
Human Resources	Reserve for Raises	Tourism	Retirement	28.15
Human Resources	Reserve for Raises	Tourism	Group Life	1.99
Human Resources	Reserve for Raises	Tourism	Workers Comp	0.29

RE: LIBRARY INCREASE OF FY2009 APPROPRIATIONS

The Board recognized additional state revenue and increased appropriations to line item 73110-6021 by $416.00.

RE: REQUEST FROM THE SHERIFF'S OFFICE FOR PURCHASE ORDER APPROVAL

The Board approved a purchase order utilizing Sheehy Ford Motor in the amount of $249,592.58 from motor vehicles account 4100-31200-8205.

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

RE: PUBLIC APPEARANCES

RE: VDOT UPDATE

Roy Tate, Assistant VDOT Resident Engineer, updated the Board on the status of projects in Orange County.

RE: ACTION ITEMS

RE: LANDFILL STONE: KURT HILDEBRAND, DIRECTOR OF PUBLIC WORKS

Kurt Hildebrand, Director of Public Works, explained that an invitation for bid was issued on April 4, 2008, for the purpose and intent of establishing a firm fixed price contract with a vendor to provide stone for use at the Orange County Landfill for FY09. Two sealed bids were received April 18, 2008, from Cedar Mountain Stone Corporation and Luck Stone Incorporated. He concluded that, after evaluating the two bids received, Cedar Mountain Stone Corporation has provided the lowest bid. Staff recommends that the bid be accepted.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to enter into a contract with Cedar Mountain Stone Corporation in the amount bid, $40,837.50, to supply stone for use at the Orange County Landfill in FY09. The contract amount shall be paid from line item 513-042400-3310 as adopted in the FY09 budget. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REQUESTS FROM THE LIBRARY FOR PURCHASE ORDER APPROVAL

Katie Hill, Library Director, briefly reviewed the proposed purchase orders with the Board. She stated that the purchase order for The Library Corporation covers the County's ongoing maintenance for computer software and hardware; subscriptions to products that provide records for the online catalog; updates for the filtering system; and website hosting services for the entire fiscal year. Mrs. Hill stated that the Library piggybacks onto a competitively bid contract for the purchase of the bulk of its books along with various audiovisual materials. The contract was negotiated by Southwest Information Network Group (SWING) with Baker and Taylor. She

reported that the Library has used Baker and Taylor as its main vendor for many years because of the ease of ordering and receiving invoices electronically, the competitive pricing, good customer service, and the timely delivery of materials.

Mr. Frame moved, seconded by Mrs. Pace and carried, to approve a purchase order request for The Library Corporation as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve a purchase order utilizing the SWING contract for Baker & Taylor in the amount of $77,125.00 from budgeted Library funds. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ORANGE STINGER FOOTBALL

Julie Jordan, Assistant County Administrator, stated that at its May 13, 2008 meeting, the Board considered the Stinger Football Program and a number of issues associated with the program. At that time, fees were set for the 2008-09 season and the issue of delinquencies was addressed. She explained that work has been done by the Parent Association and County staff to further confirm the financial information regarding monies owed and the transition of the program from the County to the Parent Association. Ms. Jordan reported that the Piedmont Youth Sport Association (PYSA) has approached the County with a proposal to take over the program this year. They are offering to pay the debt owed in equal installments over the next four years. At this time, the total of the delinquent accounts is $18,053.91. She further stated that they have requested that the County gift the equipment associated with the program. It has been determined that the County paid approximately $23,962.18 for the equipment.

Discussion ensued including: the age of the equipment and who is currently using the equipment; the balance due from the Florida trip; and whether the County wants to get out of the business of Stinger Football.

Mr. Burkett moved, seconded by Mr. Frame and carried, to accept the proposal from the Piedmont Youth Sports Association (PYSA) to take over the Stinger Football program and repay the County for delinquent accounts totaling $18,053.91 in equal installments over the next four years. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

By consensus, the Board directed Mr. Patrick to prepare a promissory note between the County and PYSA.

RE: PROPOSED AMENDMENT TO THE BOARD OF SUPERVISORS BY-LAWS

Mr. Burkett moved, seconded by Mr. Frame and carried, to amend and adopt the Board of Supervisors bylaws as presented including: the use of cell phones during Board meetings; what the minutes shall include; and the retention of audio/video recordings of Board meetings. 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: MIXED USE DEVELOPMENT ZONING CLASSIFICATION

David Grover, Director of Community Development, stated that the Board was recently presented with a conceptual plan for development of the King family property north of Route 3 near the intersection with Route 20. The owner of the property , based on positive indications by the Board, is moving forward with preparing a rezoning application. He explained that the bulk of the land where the project is being proposed is classified on the Future Land Use Map as Economic Development. Mr. Grover stated that the conceptual design on the King property is for a mixed use project potentially including retail, office, light industrial, hospitality, institutional, and limited residential uses. He reported that Orange County currently has no mechanism within the Zoning Ordinance to accommodate this type of development. He concluded by saying that staff suggests the creation of a planned mixed district.

Discussion ensued including: the conceptual design of the project; the use the Economic Development classification; the concept of a Mixed Use classification; and planning comprehensively.

By consensus, the Board directed Mr. Grover to proceed within the parameters of the overall zoning ordinance.

RE: INFORMATION ITEMS

The Board received a copy of the Treasurer's Report as prepared by Phyllis M. Yancey, Treasurer.

RE: PENDING ITEMS

a. Comprehensive Review of CIP
b. Wireless Project
c. Illegal Immigration
d. Lighting Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of July, August and September, 2008.

RE: RECESS

The Board took a short recess at 5:04 p.m. and reconvened at 5:08 p.m.

RE: CLOSED SESSION

At 5:07 p.m., Mrs. Pace 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 employed by the Board regarding specific legal matters requiring the provision of legal advice by such counsel, on the matters of the large retail ordinance and the recent decision involving James and Barbara Lovelace, as permitted by Virginia Code section 2.2-3711 (A)(7);

- Discussion and evaluation of the Parks and Recreation department, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711 (A)(1)."

Mr. Burkett seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: OPEN SESSION

At 6:37 p.m., Mrs. Pace moved, seconded by Mr. Goodwin and carried; to reconvene in open session whereupon 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, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: WORKSESSION ON ZONING REVISION

David Grover, Director of Community Development, and Julie Jordan, Assistant County Administrator, held a worksession with the Board regarding the zoning ordinance revision. Topics discussed include: members of the Steering Committee; vision to be shared with the Steering Committee; path of zoning ordinance revisions; and agreed concepts.

RE: PUBLIC COMMENT

None.

RE: BOARD COMMENT

Mr. Goodwin commented on a newspaper article regarding the Lovelace case.

Mr. Frame commented that the Lake of the Woods Food Pantry has opened up another van which will be located at the Locust Grove Town Center.

RE: ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:32 p.m. upon a motion by Mr. Frame and seconded by Mr. Burkett. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.