BOARD OF SUPERVISORS MINUTES **SEPTEMBER 23, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 23, 2008 beginning at 6:00 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: WORKSESSION ON THE PROPOSED SUBDIVISION ORDINANCE

Discussion ensued concerning the proposed subdivision ordinance including: subdivision of property; family subdivisions; boundary surveys; physical survey; flood plains; and site approval.

Following discussion, Mr. Burkett moved, seconded by Mr. Frame and carried, to schedule a public hearing on Tuesday, October 28, 2008, at Prospect Heights Middle School, to receive comment on the proposed subdivision ordinance. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECESS

The Board took a short recess at 6:55 p.m. and reconvened at 7:00 p.m.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. Goodwin 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
Treasurer	Travel	$	20.00	Expenditure Refund
Subtotal Treasurer		**$**	**20.00**	
Office on Youth	Nonresidential Mand. Srvcs	$	25.00	Expenditure Refund
Subtotal Office on Youth		**$**	**25.00**	
Parks and Rec.	Copier Lease	$	261.44	Expenditure Refund
Parks and Rec.	Copier	$	25.86	Expenditure Refund
Subtotal Parks and Recreation		**$**	**287.30**	
Orange Library	Books Young Adult	$	25.00	Friends of Library
Wilderness Libr	Audio Visual	$	20.00	Friends of Library
Subtotal Library		**$**	**45.00**	
Animal Shelter	Emergency Vet	$	667.51	Donations
Subtotal Animal Shelter		**$**	**667.51**	
Sheriff	Travel	$	56.86	Expenditure Refund

Subtotal Sheriff		**$**	**56.86**	
Legal	Suit Filing Fee	$	150.00	Expenditure Refund
Subtotal Legal		**$**	**150.00**	

Total, This Request	**$**	**1,251.67**
Fiscal Year to Date Total	**$**	**131,924.38**

RE: BUDGET TRANSFERS FOR FY 2008

The Board approved the following Budget Transfers for FY2008:

Month	Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount	
September 23, 2008 for FY2009						
	Sheriff	Vehicle Fuel	Debt Service	Lease Refunding Bnd	2375.78	A
	Sheriff	Vehicle Fuel	Debt Service	Schl Debt Srvc Exp	1045.00	A
	Sheriff	Vehicle Fuel	Debt Service	Bond Maint Exp	2095.00	A
	Sheriff	Vehicle Fuel	Debt Service	HVAC Retrofit	8602.40	A
	Sheriff	Vehicle Fuel	Debt Service	2003 GO Bond Inter	11.61	A

A To cover negative variances

RE: BUDGET TRANSFERS FOR FY2009

The Board approved the following Budget Transfers for FY2009:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE	DEPT	ACCOUNT DESCRIPTION
Salary	Reserve for Raises	Board of Supervisors	Health Insurance	592	A
Salary	Reserve for Raises	County Admin.	Health Insurance	1480	A
Salary	Reserve for Raises	County Attorney	Health Insurance	296	A
Salary	Reserve for Raises	Human Resources	Health Insurance	296	A
Salary	Reserve for Raises	Commissioner of Rev	Health Insurance	2072	A
Salary	Reserve for Raises	Treasurer	Health Insurance	1776	A
Salary	Reserve for Raises	Finance	Health Insurance	1480	A
Salary	Reserve for Raises	Information Tech	Health Insurance	888	A
Salary	Reserve for Raises	Registrar	Health Insurance	296	A
Salary	Reserve for Raises	Circuit Crt Judge	Health Insurance	296	A
Salary	Reserve for Raises	Circuit Court Jury	Health Insurance	148	A
Salary	Reserve for Raises	Circuit Court Clerk	Health Insurance	2220	A
Salary	Reserve for Raises	Sheriff-Courts	Health Insurance	2072	A
Salary	Reserve for Raises	Commonwealth	Health Insurance	1184	A

		Atty			
Salary	Reserve for Raises	Sheriff	Health Insurance	10063	A
Salary	Reserve for Raises	E911	Health Insurance	2960	A
Salary	Reserve for Raises	Victim Witness	Health Insurance	296	A
Salary	Reserve for Raises	School Resource Off	Health Insurance	592	A
Salary	Reserve for Raises	Crime Analyst	Health Insurance	296	A
Salary	Reserve for Raises	OFEMS	Health Insurance	9175	A
Salary	Reserve for Raises	Building Insp	Health Insurance	2072	A
Salary	Reserve for Raises	Animal Control	Health Insurance	888	A
Salary	Reserve for Raises	Animal Shelter	Health Insurance	888	A
Salary	Reserve for Raises	Emergency Servc	Health Insurance	592	A
Salary	Reserve for Raises	Maint Bldg Grds	Health Insurance	2664	A
Salary	Reserve for Raises	VJCCA	Health Insurance	148	A
Salary	Reserve for Raises	Youth Commission	Health Insurance	296	A
Salary	Reserve for Raises	Parks and Recreation	Health Insurance	5328	A
Salary	Reserve for Raises	Orange Library	Health Insurance	1480	A
Salary	Reserve for Raises	Wilderness Library	Health Insurance	592	A
Salary	Reserve for Raises	Gordonsville Library	Health Insurance	296	A
Salary	Reserve for Raises	Planning & Zoning	Health Insurance	1480	A
Salary	Reserve for Raises	Econ. Development	Health Insurance	296	A
Salary	Reserve for Raises	Tourism	Health Insurance	296	A
Salary	Reserve for Raises	Virginia Coop Ext	Health Insurance	296	A
Salary	Reserve for Raises	Landfill	Health Insurance	2960	A
Salary	Reserve for Raises	Airport	Health Insurance	592	A
Salary	Merit Wedge	County Admin.	Salary	8007.61	B
Salary	Merit Wedge	Commissioner of Rev	Salary	3351.04	B
Salary	Merit Wedge	Treasurer	Salary	3130.43	B
Salary	Merit Wedge	Finance	Salary	6984.71	B
Salary	Merit Wedge	Registrar	Salary	1270.66	B
Salary	Merit Wedge	Clerk of Circuit Court	Salary	8447.23	B
E911	Salary	Salary	Merit Wedge	3711.92	B
Salary	Merit Wedge	School Resource Off	Salary	6921.01	B
Salary	Merit Wedge	OFEMS	Salary	11364.27	B
Salary	Merit Wedge	Building Insp	Salary	2164.32	B
Salary	Merit Wedge	Animal Control	Salary	1436.21	B
Salary	Merit Wedge	Animal Shelter	Salary	1467.6	B
Maint Bldg & Grnds	Salary	Salary	Merit Wedge	8491.05	B

Salary	Merit Wedge	Landfill	Salary	2473.78	B
Salary	Merit Wedge	Orange Library	Salary	14296.46	B
Salary	Merit Wedge	Wilderness Library	Salary	2765.63	B
Planning & Zoning	Salary	Salary	Merit Wedge	49.93	B
Economic Dev	Salary	Salary	Merit Wedge	208.31	B
Tourism	Salary	Salary	Merit Wedge	8839.15	B

A - Allocation of the health insurance increase from the budget process to the individual departments.
B - Adjustment to salary line items for budget purposes.

RE: MINUTES
The Board approved the following minutes as presented:

- May 31, 2008 Continued Meeting;
- June 17, 2008 Worksession;
- June 24, 2008 Regular Meeting;
- July 8, 2008 Regular Meeting; and
- July 22, 2008 Regular Meeting.

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

RE: MINUTES
Supervisor Frame requested that the minutes of May 31, 2008 be pulled from the consent agenda for discussion. Mr. Rolfe requested that the June 10, 2008 minutes be pulled from the consent agenda for discussion.

Supervisor Frame stated that he was not present at the May 31, 2008 meeting and wished to abstain on approval of the minutes. Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the minutes of May 31, 2008 as presented. Ayes: Johnson, Burkett, Goodwin, Pace. Nays: None. Abstain: Frame.

Mr. Rolfe stated that the June 10, 2008 minutes were pulled for discussion due to an error in the ordinance adopted which changed the polling place for District Three to Prospect Heights Middle School. Mr. Patrick stated that he made a drafting error in the ordinance as the current polling place listed for District Four East Precinct was Mine Run Volunteer Fire Department. The Board considered relocating the District Four East Precinct to this location in 2006 but the matter was tabled on March 28, 2006. On June 13, 2006, the issue was taken off the table and there was a unanimous vote to deny a relocation of the polling place. Mr. Patrick stated this is what is termed as a scrivener's error. As a change in the location for District Four East Precinct was never in consideration at the time of the adoption on June 10, 2008, as well as such a change never having been advertised, legally, the change never occurred. The Board cannot make a change that it does not consciously make. The changes that the Board did consciously make on June 10th are shown in the underline strike-through format. He stated that he will generate a new copy of the ordinance as it should have been presented on June 10, 2008, and will distribute to the appropriate departments and agencies. Mr. Patrick concluded by saying that when approving the minutes for the June 10, 2008 meeting, the minutes need to be changed to note this error, and that the location of District Four East Precinct polling place remains Unionville Elementary School, 10285 Zachary Taylor Highway [Route 522], Unionville, VA 22567.

Mr. Frame moved, seconded by Mr. Burkett and carried, to approve the minutes of June 10, 2008 as amended. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Kandace Mahieu, previous employee of the Child Garden, made a request to the Board that it consider extending the employee discount to her for the month of July when her daughter was enrolled in the Child Garden and she was employed there during the last month that it was open.

By consensus, the Board asked staff to provide information at its next meeting for consideration of this request.

RE: BOARD COMMENT

Supervisor Burkett commented on remarks made by Chairman Johnson during the discussion regarding the proposed subdivision ordinance.

Discussion ensued between Chairman Johnson and Supervisor Burkett.

RE: ACTION ITEMS

RE: LIVESTOCK REIMBURSEMENT FUND

Mr. Patrick addressed the Board's question regarding compensation claims which had been raised at the previous Board meeting. He stated that he concurs with the Attorney General's opinion which states *"claims which have been made for livestock and poultry that are killed by dogs and which have been allowed by the Board pursuant to §3.1-796.118 should be paid when funds become available from the proceeds of the dog license tax to pay such claims."* Mr. Patrick stated that it would appear that a previous Board of Orange County determined that the amount of $3,000 should be available for payment of these claims. However, as discussed on September 9th, the revenue generated by the fees from dog licenses does not cover the expenses identified in §3.1-796.101, and therefore there could never be any funds available to pay for compensation claims, but for the decision by that previous Board to allocate the $3,000 amount.

Discussion ensued including: whether funds carry over from year to year; Supreme Court case; and the exhaustion of funds.

By consensus, the Board requested that staff prepare a motion regarding the guidelines pertaining to the livestock reimbursement fund for approval on the consent agenda at the October 14, 2008 meeting.

RE: ROOF REPLACEMENT FOR COMMUNITY DEVELOPMENT AND GORDON BUILDING

Kurt Hildebrand, Director of Public Works, explained that a Request for Proposals (RFP) was issued by the Orange County Procurement Office on August 19, 2008, and that the purpose of the RFP was to solicit proposals for roof replacement of the Community Development Building and the Gordon Building. He reported that one proposal was received from Roof Systems of Virginia, Inc. totaling $167,000 ($84,700 for the Gordon Building and $82,300 for the Community Development Building). Mr. Hildebrand noted that the adopted Orange County Capital Improvements Plan (CIP) contains funds for roof replacements as follows: Gordon Building

$58,316; and Community Development Building $39,856. The total CIP amount for these facilities is $98,172, leaving a shortfall of $68,828. However, the CIP also includes $93,394 for roof replacement of the Old Courthouse and Clerks Buildings. Upon further assessment of the metal roofs, it has been determined that maintenance (scraping and painting) rather than replacement would be preferable. Mr. Hildebrand concluded by saying that staff recommends that Roof Systems of Virginia be awarded the contract totaling $167,000, to replace the roofs on the Gordon Building and Community Development Building. The project would be funded from the CIP, using the three amounts as previously stated ($58,316; $39,856; and $93,394 totaling $191,566). The remaining balance ($191,566 - $167,000 = $24,566) could be used to fund the maintenance of the Old Courthouse and Clerks Building roofs.

Discussion ensued including: repairing the roof drains and replacement of the entire roofs.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute a contract with Roof Systems of Virginia, in the amount of $167,000.00, for replacement of the Gordon Building and Community Development Building roofs. The contract will be funded from the Orange County Capital Improvement Plan, page 6.12, lines 56, 57 and 58, as adopted by the Board of Supervisors on April 15, 2008. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Abstain: Pace.

RE: APPROPRIATION OF GRANT FUNDS

RE: CUSTOMER PREMISES EQUIPMENT (CPE) GRANT

April Clark, E911 Center Manager, explained that the Orange County E911 Center previously submitted an application for grant funds to the Virginia Information Technologies Agency (VITA) to purchase new Customer Premises Equipment. Mrs. Clark explained that the CPE equipment is the 911 center's telephone equipment and without this equipment the center cannot answer 911 calls. She stated that the grant was an 80% - 20% grant. It was requested that VITA pay up to $140,761.33 and Orange County pay 20% or the remainder of the balance. Per the Verizon quote, budgetary cost for the proposed project if $175,951.67. The grant will fund $140,761.33 and Orange County will need to fund $35,190.33. Mrs. Clark concluded by saying that the proposed project has been included in the Capital Improvements Plan for FY 2010; however grants funds are available now and must be utilized by June, 2009. Mrs. Clark stated that the County Administrator had reported to the Board in August, 2008 that excess funds were available in the Fiscal Impact Analysis Model. There is currently $46,000 available from this project.

Discussion ensued including: the age of the equipment; status of the Fiscal Impact Analysis Model; and training on the Fiscal Impact Analysis Model.

Mr. Burkett moved, seconded by Mr. Frame and carried, to accept and appropriate the Virginia Information Technologies Agency grant in the amount of $140,761.33. The Board also authorizes the budget transfer from the Physical Impact Analysis Model to purchase telephone equipment and authorize the County Administrator to enter into a contract for this equipment with Verizon. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: BACK-UP GRANT

April Clark, E911 Center Manager, explained that Orange, Louisa and Madison County E911 Centers previously submitted an application for grant funds to the Virginia

Information Technologies Agency (VITA) to purchase equipment so that the three localities could be a back-up Public Safety Answering Point for each other. She stated that VITA accepted the grant application and will be awarding the money totaling $124,711.00 to the three E911 Centers. Mrs. Clark reported that Orange County E911 will receive $73,100 and the grant will cover 100% of the costs associated with purchasing the needed equipment. She noted that it is the intention of the E911 Centers to purchase the needed equipment prior to June, 2009. Mrs. Clark stated that it has been requested that the equipment be purchased from Clear Communications and Electronics, Inc. by sole sourcing to insure proper interoperability. All radio equipment within the E911 Center has been purchased from Clear Communications and currently there is a maintenance contract with them for the radio equipment. Both Louisa and Madison Counties also utilize Clear Communications. Mrs. Clark stated that sole sourcing is also being requested due to the County's preexisting supply of cables and connectors needed to complete the Back-up Project and that equipment is under the maintenance contract with Clear Communications.

Discussion ensued including: how the back-up to adjoining localities will work; confirmation of no funding obligation; and the possibility of combining the dispatch centers in the E911 Department and Sheriff's Office.

Mr. Burkett moved, seconded by Mr. Frame and carried, to accept and appropriate the Virginia Information Technologies Agency grant with Orange County receiving $73,100.00. The Board also authorized the County Administrator to enter into a contract for this equipment with Clear Communications and Electronics, Inc. as a sole source. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: VOLUNTEER FIRE AND RESCUE INSURANCE CONSOLIDATION

Jamie Clark, Director of Fire & EMS, stated that the County of Orange Fire & EMS Department received three proposals to consolidate the Volunteer Fire and Rescue agencies insurance policies to one umbrella policy. He explained that the goal of the project is to reduce the overall costs paid by the volunteer agencies without reducing the coverage limits of any agency. To assure that this goal was met, the proposals were developed with input from Virginia Association of Counties (VACo) and the various volunteer agencies. Mr. Clark noted that the Request for Bids was advertised through the County's procurement process then provided to VACo for their overall review. After VACo's review, it was determined that it seems the best option is to go with Lee Insurance for the Property and Liability program and Chersterfield Insurers for the Accident and Sickness program. Mr. Clark stated that funds to cover the cost of the proposed consolidation will be deducted from the Volunteer Fire Chief's Association line item (032200-5640) and that no additional funds will be needed for completion of the consolidation. The cost savings will be realized by each agency by not having to pay the cost of their annual insurance premium through their internal budget.

Mr. Rolfe noted that Chuck Mason of Mason Insurance helped tremendously with this project.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to award the contract for the Volunteer Fire & Rescue Insurance to Lee Insurance for the property and liability coverage and Chesterfield Insurers for the accident and sickness coverage to be appropriated from line item #032200-5640. 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: REVISED PROFFER POLICY

Debbie Kendall, Director of Strategic Planning, briefly reviewed the Proffer Policy which was revised to reflect comments made at September 9, 2008 Board of Supervisors meeting. Mrs. Kendall noted that the proffer schedule now includes fees for other government facilities.

Discussion ensued including: open space, and previous Board action pertaining to the adoption of the proffer policy.

Mr. Frame move, seconded by Mr. Burkett and carried, to accept the Proffer Policy as presented. Ayes: Johnson, Burkett, Pace, Frame. Nays: Goodwin.

RE: COUNTY ATTORNEY POSITION ADVERTISEMENT

Mr. Patrick stated that he had drafted an advertisement for the County Attorney position for the Board's review. He suggested advertising in the Virginia Lawyers Weekly; VML monthly newsletter; VACo monthly newsletter; and the local government attorneys list serve.

By consensus, the Board directed the County Attorney to proceed with advertisement of the position.

RE: CLARIFICATION ON INTERIM COUNTY ATTORNEY

Chairman Johnson requested that this item be added to the agenda for discussion. He stated that the County Administrator would like clarification on how the Board wants him to progress in getting temporary legal help.

Mr. Patrick noted that Bob Beard, attorney for the Social Services Board, expressed an interest in serving during the interim.

By consensus, the Board authorized the County Administrator to negotiate a contract with Sharon Pandak to serve as the Interim County Attorney.

RE: PROPERTY TAXES

Supervisor Frame requested that this item be added to the agenda for discussion. He stated that when property assessments are done yearly for taxation, the houses which are not completed as of that time are not assessed taxes until the following year. He suggested having the Commissioner of the Revenue look at the opportunity to collect taxes on the home as soon as it is completed.

Discussion ensued including: when properties are assessed; assessing properties when occupancy permits are approved; and utilizing the appraisal firm to assess properties when homes are constructed.

By consensus, the Board requested that staff discuss with the Commissioner of the Revenue when dwellings are added to the tax rolls.

RE: PENDING ITEMS

a. Wireless Project
b. Illegal Immigration
c. Lighting Ordinance

Discussion ensued regarding the wireless project including: Rappahannock Electric Cooperative internet service; Virginia Broad Band; and dedicated service lines (DSL) over power lines.

Supervisor Pace inquired about a noise ordinance in subdivisions. Mr. Patrick stated that the Commonwealth Attorney is reluctant to prosecute under the current ordinance. He suggested bringing Mrs. Wheeler in to help craft an amended noise ordinance.

Discussion ensued including: various interpretations of noise ordinances; and possible harassment policy.

By consensus, the Board requested that Noise Ordinance be added to the Pending Items list.

RE: INFORMATION ITEMS

None.

RE: CALENDAR

The Board received copies of its calendar for the months of September, October and November, 2008.

RE: ADJOURN

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 8:55 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.