At a regular meeting of the Orange County Board of Supervisors held on Tuesday, November 25, 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.
**Mrs. Pace arrived at 4:03 p.m.*

RE: ZONING ORDINANCE WORKSESSION

Milt Herd discussed with the Board the progress of the zoning ordinance review including: project schedule and progress to date; upcoming tasks; and key issues and objectives for the revised ordinances.

Discussion ensued including: defining and identifying growth; design standards; growth pressures; and preservation of agriculture areas.

RE: RECESS

The Board recessed for dinner at 5:35 p.m. and reconvened in open session at 6:00 p.m.

RE: JOINT MEETING WITH THE ORANGE COUNTY SCHOOL BOARD

Chairman Jerry Bledsoe called the School Board meeting to order. He introduced Larry Massie, the new interim School Superintendent. Mr. Bledsoe updated the Board on the status of the Middle School Project. He indicated that there were nine qualified bidders and that bids will be opened on December 11, 2008. He concluded by saying that the School Board is moving forward with the project and that contracts will be awarded in late December with ground breaking in January, 2009.

Discussion ensued including: timing and money; Spring bond sale; bridge loan rates; number of students in trailers; Capital Improvements Plan (CIP) priority list; school population growth; student capacity at other schools; and current economic concerns.

Mr. Bledsoe thanked the Board for the joint meeting and voiced his appreciation for the constant communication with the Board.

RE: RECESS

The Board took a short recess at 6:31 p.m. and reconvened in open session at 7:00 p.m.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. Burkett 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

Animal Shelter	Emergency Vet Fund	$	3,569.46	Donations
Subtotal Animal Shelter		**$**	**3,569.46**	
	Total, This Request	**$**	**3,569.46**	
	Fiscal Year to Date Total	**$**	**227,365.18**	

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	
Landfill	LOW PT Wages	Landfill	Landfill Collct Wage PT	14000.00	A
Salary	Reserve for Raises	Maint Bldg & Grnds	Salaries	494.67	B
Salary	Reserve for Raises	Maint Bldg & Grnds	FICA	37.84	B
Salary	Reserve for Raises	Maint Bldg & Grnds	Retirement	69.85	B
Salary	Reserve for Raises	Maint Bldg & Grnds	GTL	4.95	B
Salary	Reserve for Raises	Maint Bldg & Grnds	Worker's Comp	9.13	B
Salary	Reserve for Raises	Maint Bldg & Grnds			

A - Transferred employees to another department transferring salary associated with employee
B - Merit Increases for employees reaching anniversary
date.

RE: MINUTES

The Board approved the minutes of October 14, 2008 – Regular Meeting, and October 28, 2008 – Regular Meeting as presented.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

There was no public comment at this time.

RE: BOARD COMMENT

The Board members made no comments at this time.

RE: ACTION ITEMS

RE: LAND & EASEMENT ACQUISITIONS – PHASE I

Peggy Miles, Airport Operations Manager, stated that the County has secured both the Federal Aviation Administration (FAA) and Virginia Department of Aviation (DOAV) grants for the Land and Easement Acquisition project at Orange Airport and is ready to move forward. Ms. Miles explained that the surveyors have begun offsite research but may require on-site access to the parcels. She indicated that the Board had been provided a listing of thirteen parcels identifying parcel number, owner, property address and owner address (if different).

Discussion ensued between the Board and Adam Switzer, representative with Delta Airport Consultants, including: acquisition process; cost of acquiring property; consequences for not obtaining the property; and the effect of limiting access. Mrs. Pandak explained that if negotiations failed, then the Board could proceed with condemnation proceedings if it chose to do so.

Mr. Burkett requested that it be noted in the minutes that he did not want a repeat of the situation with Mrs. Taylor regarding her property.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to begin the process of Land & Easement Acquisition and notifying property owners who may be affected. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DELTA AIRPORT CONSULTANTS – AMENDMENT THREE (3)

Peggy Miles, Airport Operations Manager, reported that on May 13, 2008, the Board was presented with an update of airport projects including the status and requirements for the federal and state funded Land & Easement Acquisition Project. It is expected to be a multi-phase/multi-year project as part of the Airport Improvement Plan (AIP) Grant Program. She indicated that Phase I Assistance for the Acquisition Project has been included in the FY09 budget (504-94200-1083). Ms. Miles stated that a summary of the services required for the completion of this project include the following contracts: Basic Engineering (Delta Airport Consultants – Amendment 3); Construction Costs (Verizon and Comcast) and Purchase Negotiators. She stated that Delta's contract amendment includes basic services, as well as, subcontracting and overseeing the following: surveys (13 parcels); environment due diligence assessments (4 parcels); appraisals (13 parcels); and review of appraisals (13 parcels). The total for these services is $248,136 with a local cost of $4,240. Construction costs include Verizon's (sole source provider) estimate for the removal of aerial facilities from Bloomsbury Road along Route 20. Such estimate requires a prepayment of $219,293.82 with a local cost of $4,385.88; and Comcast of $2,000 with a local cost of $40. Ms. Miles concluded by saying that there will be "administrative costs" for purchase negotiations at an engineer's probable cost estimate of $30,570.18 with a local cost of $611.40.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to accept and execute all documents associated with the Commonwealth of Virginia and Federal Aviation Administration grant agreement offer for DOAV Project No. CD-0037-11; AIP Project No. 3-51-0037-11 – Land & Easement Acquisition Phase 1; execute Delta Airport Consultants Amendment Three in the amount of $248,136; execute the sole source agreement with Verizon in the amount of $219,293.82. This project will be paid from line item 504-094200-1083 with current appropriations. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC HEARINGS

RE: CREATION OF CENTRAL VIRGINIA REGIONAL JAIL AUTHORITY

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Johnson called the public hearing to order to receive comment on the following:

- In conformity with Va. Code Ann. § 15.2-1427 and other applicable Va. Code provisions, to consider a Resolution of the Board of Supervisors Regarding the Creation of the Central Virginia Regional Jail Authority and Approving the Amended and Restated Regional Jail Agreement, the Issuance of the Authority's Revenue Obligations and other matters in connection therewith. This resolution proposes the use of a regional jail authority under Va. Code Ann. Chapter 3, Article 3.1 of Title 53.1 for purposes of ownership and operation of the existing Central Virginia Regional Jail; and

- In conformity with Va. Code Ann. § 15.2-1800 and other applicable Va. Code provisions, to consider the disposition of Orange County real and personal property, used by the Jail Board for operation of the existing Central Virginia Regional Jail (CVRJ), to the Jail Authority once it has been created.

Ron Maupin, legal counsel for the Central Virginia Regional Jail Board, briefed the Supervisors on the history of the jail. He stated that there is no noticeable change with a Jail Authority versus the current set up of a jail board. Mr. Maupin explained that the proposed action is time critical due to the moratorium on construction. He stated that a request for jail exemption would need to be submitted by the second week in December, 2008.

Discussion ensued including: state moratorium; state economic climate; interest rates; and the consequence if all jurisdictions don't approve the change.

Glenn Aylor, Jail Superintendent, commented on the past accomplishments of the Regional Jail.

Discussion ensued between the Board and Mr. Aylor including: the number of other regional jails petitioning for a moratorium waiver; the number of rejections; and why this action wasn't requested sooner rather than later.

Chairman Johnson opened the floor for public comment at 8:16 p.m. There being none, the public hearing was closed.

Mr. Frame stated that he can't see how an Authority would be any different than the current Jail Board. Chairman Johnson voiced concerns about making a quick decision and making the wrong decision. He indicated his concern with having an Authority.

Discussion ensued regarding Jail Board versus Jail Authority. Mr. Aylor stated that in past years the jail had not needed to request funds from the County. Mr. Burkett suggested that the Board postpone its decision until the market settles down and reconsider the discussion at the end of February not November. Chairman Johnson clarified that he well remembered when the issue came before the Board prior to his service on the Board.

Mrs. Pandak stated that the Jail Board is scheduled to meet on December 11, 2008.

Mr. Frame moved to approve a resolution creating the Central Virginia Regional Jail Authority. The motion died for lack of a second.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to postpone action on the public hearing and add to December 9, 2008. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: <u>PROPOSED DISPOSITION OF REAL PROPERTY TO THE ECONOMIC DEVELOPMENT AUTHORITY, TAX MAP NO. 57-30F, 5 ACRES</u>

Chairman Johnson called the public hearing to order at 8:50 p.m. to receive comment on the following:

- Proposed disposition of real property to the Economic Development Authority, tax map number 57-30F, 5 acres.

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

Ms. Jordan explained that proposed action authorizes conveyance of part of the York property to the Economic Development Authority (EDA). She stated that this will allow the EDA to consolidate the proposed parcel with its adjoining property which was originally part of the same parcel.

Mr. Goodwin moved, seconded by Mr. Frame and carried, to adopt the following resolution:

AUTHORIZE CONVEYANCE OF YORK PROPERTY TAX MAP 57-30F TO ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors of Orange County advertised a public hearing for disposition of real property, known as the York property, Tax Map No. 57-30F, as required by §15.2-1800 VA Code Ann., and a public hearing was held this date; and

WHEREAS, the Board believes that the York property is an attractive location for industry; and

WHEREAS, conveyance of part of Tax Map No. 57-30F, as shown on the attached sketch plat dated May 21, 2003, to the Economic Development Authority will allow the EDA to consolidate this parcel with its adjoining property which originally was part of the same parcel; and

WHEREAS, the Board of Supervisors specifically relinquishes, releases and abandons all right of access and other interest in a "right of roadway" shown on the York property and extending through Tax Map No. 57-30F, between Tax Map No. 57-30F and Route 686.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize conveyance of part of Tax Map No. 57-30F.

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

RE: AWARD OF CONTRACT FOR PHASE II PERIMETER FENCE AT AIRPORT

Peggy Miles, Airport Operations Manager, reported that at its meeting on November 13, 2007, the Board of Supervisors approved an application for a State Grant to construct Phase II of the Perimeter Fence Project and authorized the County Administrator to execute all paperwork associated with the grant. At that time the Board was briefed on plans to enclose the perimeter of the airport with a Federal Aviation Administration (FAA) standard perimeter fence. The need for a perimeter fence is identified in the County's airport security plan that has been approved by the State. Although there is no FAA requirement for the fence, it continues to be FAA's opinion that a fence is desirable to restrict access by people from the Booster Park area and to limit the ease with which deer and other animals can become hazards to aviation. Ms. Miles explained that the current plan was to build the fence in two phases; however, due to the delay in the construction of the terminal building, the completion of the fence will require a third phase to be tied into the terminal building once it is completed. In accordance with Federal, State, and County policies and regulations, Orange County issued an invitation to bid in September, 2008 for the construction of the fence. She stated that five responses were received and that Hurricane Fence Company was the low bid meeting specifications at $187,263. The price was $31,908 below the engineer's estimate of $219,171. She reported that Delta Airport Consultant fees for the project inspection are $37,926 with additional administrative costs estimated to be $3,001.

Ms. Miles concluded by saying that the local share for the proposed project will be funded with current appropriations in the airport Fund.

Discussion ensued including: what Delta is providing in the construction costs; and why not wait until all the land is acquired before proceeding with the project.

Mr. Frame moved, seconded by Mr. Goodwin and carried, upon final approval from the State of Virginia, recognize and appropriate $228,190 in State grant funds; authorize the County Administrator to execute a contract with Hurricane Fence Company in the amount of $187,263.34 for the construction of the perimeter fence; authorize the County Administrator to amend the contract with Delta Airport Consultants in the amount of additional $37,926 for project inspections and execute all documents associated with the grant application process. Funding for this project is in the Airport Fund, Perimeter Fence Project account number 504-94200-1063. Ayes: Johnson, Goodwin, Pace, Frame. Nays: Burkett.

RE: TEMPORARY REMOVAL OF POLICY FOR FUEL SALES AT AIRPORT

Supervisor Goodwin requested that this item be added to the agenda for discussion. He stated that the previous Board authorized a fuel pricing policy for airplane fuel based on an average between the charges for fuel at the Culpeper Airport and the Louisa Airport. The policy states that fuel will not be sold at a price less than cost plus the budgeted margin, which in 2006 was 14%. Therefore, Orange County is no longer competitive with its fuel price because of the latest decrease in fuel costs. He requested the Board's consideration of a 90 day moratorium on the fuel pricing policy to allow the airport to be competitive with Culpeper and Louisa in the sale of fuel.

Discussion ensued including: life of fuel; how often fuel is delivered to the airport; date of the last delivery of fuel costing $4.06 and $4.09; and the possibility of fuel prices increasing in early 2009.

Mr. Burkett moved, seconded by Mr. Frame and carried, to authorize a 15% moratorium on fuel pricing for ninety days. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Abstain: Pace.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Frame nominated Bob Schwartz for reappointment as an At-large representative on the Regional Jail Board for a four year term, with said term expiring November 30, 2012.

The Board also approved the Orange County Youth Council Members for 2008-2009 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PENDING ITEMS

- Wireless Project
- Illegal Immigration
- Lighting Ordinance
- Noise/Nuisance Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of November and December, 2008; and January, 2009.

RE: CLOSED MEETING

At 10:18 p.m., Mr. Goodwin stated the following:

"**WHEREAS**, the Board of Supervisors of Orange County desires to discuss in Closed Meeting:

1. Consultation with legal counsel regarding actual litigations; and
2. Consultation with legal counsel regarding two specific legal matters requiring the provision of legal advice; and

WHEREAS, pursuant to §2.2-3711.A.7, VA Code Anno., such discussions 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 matters in Closed Meeting."

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

RE: OPEN MEETING

At 11:32 p.m., Mr. Burkett moved, seconded by Mr. Goodwin and carried, to reconvene in open meeting whereupon the Board adopted the following resolution:

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.

The motion carried. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 11:32 p.m.