

**BOARD OF SUPERVISORS MINUTES**

**February 8, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, February 8, 2011 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon E. Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the consent agenda as presented.

RE: SUPPLEMENTAL APPROPRIATIONS

The board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
Sheriff	Forfeited Assets	\$ 392.18	Forfeited Assets
<b>Subtotal Sheriff</b>		<b>\$ 392.18</b>	
			Grant Petsmart
Animal Shelter	Furniture & Fixtures	\$ 25,357.00	Charities
Animal Shelter	Emergency Vet	\$ 2,079.00	Donations
Animal Shelter	Vaccinations	\$ 1,950.00	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 29,386.00</b>	
<b>Total this request</b>		<b>\$ 29,778.18</b>	
<b>Total Year to Date</b>		<b>\$ 199,650.46</b>	

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	
Contingency	Contingency	Board of Supervisors	Donations	100.00	A
Contingency	Contingency	Board of Supervisors	Donations	599.50	A

A Previously approved Board items for Contribution Requests to various entities.

RE: MINUTES

Chairman Frame struck the January 11, 2011 minutes from the agenda.

RE: PUBLIC APPEARANCES

RE: Presentation of Service Awards: Julie Jordan, County Administrator  
Chairman Frame presented service awards to the following employee:  
• Cyndi Harbin, Payroll Accountant, for her five years of dedicated service to the County.

RE: Quarterly Finance Report: John Sieg, Interim Finance Director  
John Seig gave a brief overview of the quarterly finance report.

RE: ACTION ITEMS

RE: HVAC SYSTEM FOR 911 CENTER AND SERVER ROOM  
Gene Stewart, E911 Manager, stated that his last day working for the County is Saturday, February 12, 2011. He thanked the Board members for their support and let them know that it was a pleasure to work with each one of them.

He explained to the Board that with assistance from the Procurement Department and the Public Works Department, quotes were solicited for replacement of the HVAC system and it was determined that installing a separate system will sufficiently service the E911 Center and Server Room. Mr. Stewart stated the cost of the proposed system would be \$4,850.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the replacement of the HVAC system for the E911 Center & Server Room for \$4,850, with funding from the contingency fund. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: MEMORANDUM OF UNDERSTANDING – WORKFORCE INVESTMENT BOARD (WIB) SATELLITE OFFICE

Karen Epps, Director of Economic Development presented to the Board a draft Memorandum of Understanding between the Culpeper Career Resource Center and Orange County for a Satellite One Stop Career Center in Orange County.

Discussion ensued including: who would be responsible for doing the monthly report; volunteers for the center; advertising and trained staff.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to approve the proposed Memorandum of Understanding between the Culpeper Career Resource Center and Orange County for SHARE Network as presented, and authorize the County Administrator to execute the agreement on its behalf. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: MEMORANDUM OF AGREEMENT – RAPPAHANNOCK RAPIDAN REGIONAL COMMISSION (RRRC)

Julie Jordan, County Administrator, stated that the Rappahannock Rapidan Regional Commission has agreed to provide technical assistance to the County with its Arcbridge software during the redistricting process. She presented to the Board a draft Memorandum of Agreement (MOA) between the County and Rappahannock Rapidan Regional Commission (RRRC) for the provision of software – only related technical assistance.

Ms. Jordan explained that she would be the one individual to serve as the principal point-of-contact with RRRC for this project. The cost of the software license will be divided equally among the RRRC and the local governing bodies who agree to participate with RRRC. The cost per participating jurisdiction, at present, is approximately \$750.00, which is subject to adjustment depending upon the number of jurisdictions ultimately choosing to participate. She stated that the

County Attorney has approved the Memorandum of Agreement as to form.

Discussion ensued about the number of users and how the cost of the software will be shared among the participating users.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the Memorandum of Agreement with Rappahannock Rapidan Regional Commission for software only related technical assistance for Redistricting as presented. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: UPDATE ON THE AIRPORT EVENT: KURT HILDEBRAND, DIRECTOR OF PUBLIC WORKS

Kurt Hildebrand updated the Board on the Grand Opening of the New Terminal Event, planned for May 14, 2011, at the Airport.

Discussion ensued including: invitations to the Federal Aviation Administration, Virginia Department of Aviation, and the Governor; ribbon cutting ceremony; community event; music, vendors, catering; advertising; fundraising opportunities and the budget for the event.

By consensus, the Board agreed to proceed with the planned event.

RE: UPDATE ON THE LONG RANGE TRANSPORTATION PLAN: GREGG ZODY, DIRECTOR OF PLANNING

Gregg Zody, Director of Planning, explained that after reviewing the Draft (2010) Long Range Transportation Plan and comparing it with the Recommendations Table for the Plan, he did not see the changes requested by the Board in the County's February 23, 2010 letter, submitted to Sean T. Connaughton, of the Commonwealth Transportation Board.

Mr. Zody stated that the comment period is still open for suggestions by the Board. He would like the Board members to review the comments and discuss them at the February 22, 2011 meeting.

Discussion ensued including: localities desire not to incorporate the plan; Journey through Hallowed Ground's (JTHG) Scenic Byway (National Designation) and Route 15 designation.

Supervisor Abbs made a comment that she would like to go on record that she is opposed to widening Rt. 15.

Mr. Zody explained that the next step in the process is to incorporate the suggestions and comments from the Board to the PD9 Plan, the Planning District Meeting in April, and then on to the State level.

RE: UPDATE ON DOG TAG FEES: SHARON PANDAK, COUNTY ATTORNEY

Mrs. Pandak requested to defer this item until the next board meeting. By consensus, the Board agreed to move the item to the February 14, 2011 meeting.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report
- CVRJ Quarterly Report
- Letter from DEQ – Unit 3 North Anna Power Station
- Letter from RRRC – TMDL Implementation Plan Public Meeting February 8, 2011

RE: COMMITTEE REPORTS

Supervisor Frame updated the Board on the construction progress of the new Middle School.

RE: CALENDAR

The Board received copies its calendar for the months of February, March and April 2011.

Ms. Jordan wanted to clarify with the Board and for the record that the February 22, 2011 meeting would begin at 7 p.m. as usual, and not at 4 p.m. as discussed at a previous meeting. The Board agreed that it would start at 7 p.m.

Ms. Jordan also commented that the next meeting on February 15, 2011, will be at the School Board Office and will begin with a meal provided by the Culinary Arts starting at 6 p.m. with the Worksession and School Board Presentation starting at 7:00 p.m.

RE: BUDGET WORKSESSION

Discussed in Closed Meeting.

RE: CLOSED MEETING AUTHORIZATION

At 5:04 p.m., Ms. Pandak read the following resolution:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matters:

- One (1) personnel matter related to employment, assignment and salaries of specific employees (§2.2-3711.A.1 VA Code Ann.);
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- One (1) matter of consideration of investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (§2.2-3711.A.6 VA Code Ann.);
- One (1) matter of acquisition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board (§2.2-3711.A.3 VA Code Ann.);
- Two (2) matters of legal advice (§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 1, 3, 6 and 7 VA Code Ann., 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 aforesated matters in Closed Meeting.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CLOSED MEETING CERTIFICATION

At 7:03 p.m., Ms. Pandak read the following resolution certifying the Closed Meeting:

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.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the Closed Meeting Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. Kevin Cook, 18545 Brick Church Road, commented on his water situation. There being no additional speakers, public comment was closed.

RE: BOARD COMMENT

The Board members had no comments at this time.

RE: PROPOSED REPEAL OF THE BIG BOX ORDINANCE

Mr. Goodwin stated that he would like to make a motion to repeal the Big Box Ordinance. He stated he spoke to the County Attorney on this matter and felt that it was a mistake to vote for the ordinance and that it was not in the best interest of the County. Therefore, he felt that it was time to repeal the ordinance, and he asked the Board members for their support.

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

INITIATE REPEAL OF ZONING ORDINANCE SEC. 70-1, "LARGE RETAIL USE"  
DEFINITION AND SEC. 70-582, LARGE RETAIL USES

WHEREAS, the Orange County Board of Supervisors desires to consider repeal of Sec. 70-1, "Large Retail Use" Definition and Sec. 70-582, Large retail uses, which require a special use permit for uses which otherwise could be developed on property zoned commercial as a use by-right without conditions; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support initiation of such consideration in the wake of the litigation involving Special Use Permit 08-07, which the Board approved for a Wal-Mart with substantial conditions, and Wal-Mart's decision not to pursue development of that site;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby initiate repeal of Sec. 70-1, "Large Retail Use" Definition and Sec. 70-582, Large retail uses and requests the Planning Commission to hold a public hearing and provide a recommendation thereon by March, 2011, so that the Board can then schedule and advertise a public hearing prior to taking action.

Supervisor Frame, commented that it was a big mistake to repeal the Ordinance just because it did not work the first time. He felt it would be sending the wrong message to the citizens of the County and stated that it was a useful land management tool to help control growth in the County.

Supervisor Abbs asked the Board to defer to the legal advice given by the County Attorney. She stressed having the right tools to manage growth in the County. She stated that the ordinance had no affect either way on the outcome of the Walmart trial and asked the Board again to refer to the legal advice that given.

Mr. Goodwin made comments including: incorporating some of the intentions of the big box ordinance into the zoning ordinance; sending the message to proposed businesses that we invite them here; manage growth of our residential areas not businesses and the need to attract businesses to the County to offset taxes instead of cutting the budget every year to balance it.

Mr. Burkett commented on the lack of commercially zoned properties in an area that would be likely to support a big box and that he felt a conditional rezoning would carry more weight than a special use permit. He stated that he would like to have the Planning Commission look into this instead of letting the adversary have the advantage.

Ayes: Burkett, Goodwin, Wilson. Nays: Abbs, Frame.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 7:17 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.