

## BOARD OF SUPERVISORS MINUTES

FEBRUARY 23, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, February 23, 2010 beginning at 6:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice-Chairman; Shannon C. Abbs; Zack Burkett; Grover Wilson. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon E. Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: CALL TO ORDER

Chairman Frame called the meeting to order and led the audience in the Pledge of Allegiance. Supervisor Burkett led the Invocation.

RE: CLOSED MEETING

At 6:00 p.m., Ms. Pandak read the following resolution authorizing Closed Meeting:

**WHEREAS**, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

1. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (§ 2.2-3711.A.3 and 6 VA Code Ann.);
2. Assignment, performance, and salaries of specific appointees and employees, and legal advice related thereto (§ 2.2-3711.A.1 and 7 VA Code Ann.);

**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 aforestated matters in Closed Meeting.

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

RE: RECONVENE

At 7:00 p.m., the Board reconvened in Open Meeting.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the following consent agenda item as presented:

RE: RESOLUTION OF APPRECIATION – DONALD B. GORE

A RESOLUTION BY THE BOARD OF SUPERVISORS OF ORANGE COUNTY  
IN APPRECIATION OF DONALD GORE

WHEREAS, Donald Gore has served as Resident Engineer of the Virginia Department of Transportation – Culpeper Residency since July 15, 1996; and

WHEREAS, he has announced his retirement as Resident Engineer effective December 31, 1995; and

WHEREAS, Donald Gore has during his tenure as Resident Engineer rendered to the government and people of the County of Orange dedicated and loyal service; and

WHEREAS, he has willingly, courteously and effectively informed and assisted the Board of Supervisors and other County officials on matters related to the Virginia Department of Highways, specifically, Orange County.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors, on behalf of the citizens of Orange County, expresses deep appreciation to Donald Gore for his service to the Virginia Department of Transportation – Culpeper Residency.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Bill Speiden, representing the Orange County Farm Bureau Association, read a resolution supporting the current member structure of the Orange County Planning Commission. He noted that the resolution was passed at the Farm Bureau's annual meeting on October 17, 2009.

Elliott Fox, Orange, voiced support of the current number of Orange County Planning Commission members.

There being no additional speakers, Chairman Frame closed public comment at 7:11 p.m.

RE: BOARD COMMENT

Chairman Frame commented on legislation being proposed at the State Capitol including: Meals Tax and the appeals process when appealing the assessment of property.

Following a brief discussion, Chairman Frame asked staff to send a letter on behalf of the Board opposing the proposed appeals process legislation.

RE: ACTION ITEMS

RE: AMENDMENTS TO SKYDIVE ORANGE LEASE AGREEMENT

Kurt Hildebrand, Director of Public Works, reported that discussions have been held regarding proposed amendments to the existing lease agreement between SkyDive Orange (SDO) and Orange County. The existing lease agreement, executed in 2005, contains terms, fees, etc., pertaining to both SDO's existing hangar and operations area as well as the proposed new hangar yet to be constructed, including the new operations area. Mr. Hildebrand stated that

SDO requests the following amendments to the current agreement:

1. That the 20 year lease for the new hangar not begin until a certificate to occupy the hangar has been issued; and
2. Amendment to the operations area for compliancy purposes with the United States Parachute Association.

Kevin Reynolds, Vice President of SkyDive Orange, stated that SDO is financially prepared to move forward.

RE: PUBLIC HEARING: SKYDIVE ORANGE PROPOSED LEASE AMENDMENT

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

- Addendum amendments to the lease of property at the Orange County Airport to Skydive Orange, Inc., for a Hangar and Operations Area and new Hangar Site.

Chairman Frame opened the public hearing. There being no one wishing to speak, the public hearing was closed.

Discussion ensued including: timeline for construction; County requirements; and modification of the term lease.

Gigi Rucker, Treasurer of SkyDive Orange, commented on the proposed term lease.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to execute amendments to the existing lease agreement between Orange County and Skydive Orange. The addendum shall cover the following changes: The term of the lease agreement for the new Skydive Orange hangar shall begin on March 1, 2012 through March 1, 2032. The operations area provided to Skydive Orange shall be modified as proposed, to allow for Skydive Orange to be compliant with United States Parachute Association guidelines.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ACTION ITEMS CONTINUED

RE: 2035 REGIONAL LONG RANGE TRANSPORTATION PLAN

Debbie Kendall, Interim Planning Director, stated that she had drafted a letter concerning the 2035 Regional Long Range Transportation Plan for the Board's consideration.

Discussion ensued including: traffic concerns on Route 20 and recommendations for turning lanes.

Mr. Wilson moved, seconded by Mr. Goodwin and carried, to authorize Chairman Frame to sign the letter concerning the Draft 2035 Long Range Regional Transportation Plan as modified and mail out immediately. Ayes: Ayes: Burkett, Goodwin, Frame. Nays: Wilson. Absent: Abbs\*. (Mrs. Abbs stepped out of the meeting at 7:55 p.m. and returned at 7:59 p.m.)

RE: SCHEDULE PUBLIC HEARING FOR PROPOSED ZONING ORDINANCE AMENDMENTS

Debbie Kendall, Interim Planning Director, stated that staff is requesting the Board's permission to schedule a public hearing on March 9, 2010, to consider amendments to the Zoning Ordinance. She explained that the proposed amendments will incorporate recent State

legislation and improve clarity of the Zoning Ordinance. Mrs. Kendall concluded by saying that the proposed amendments have been reviewed by the Planning Commission and a public hearing was held by the Planning Commission on Thursday, January 21, 2010.

Discussion ensued including: Commercial Zoning (C2); advertisement of the public hearing; permit costs; Merchants Capital; and outdoor retail sales events.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to schedule a public hearing on March 9, 2010, to consider proposed amendments to the Zoning Ordinance as modified by the Board.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: LETTER TO LEGISLATORS REGARDING LOCAL COMPOSITE INDEX

Ms. Jordan stated that staff had drafted a letter for the Board's review expressing opposition to Governor Kaine's budget proposal and Local Composite Index.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize Chairman Frame to sign the letter to Legislators regarding the Local Composite Index as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: REVIEW OF RESPONSES TO REQUEST FOR PROPOSALS FOR OPERATION AND MANAGEMENT OF BOOSTERS PARK

The Board tabled action on this item until March 2, 2010. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: REQUEST FOR A WAIVER OF FEES – ORANGE COUNTY HABITAT FOR HUMANITY

This item was pulled from the Consent Agenda by Mr. Burkett for discussion. He inquired as to the total cost of fees associated with the proposed Habitat project.

Ms. Pandak stated that there is a question whether fees can be waived in this manner. She indicated that there is no real authority to waive building permit fees and zoning fees. Ms. Pandak stated that it is better for the Board to make a contribution.

Mr. Wilson made a motion to make a donation to the Habitat for Humanity for the cost of fees associated with the construction of a new home, including building permit fees and zoning fees (including Erosion & Sediment Control). Mr. Goodwin seconded the motion.

Mr. Wilson withdrew the motion as there was a question as to whether the State Code capped the donation at \$500. Mr. Goodwin concurred.

Following a brief discussion, Mr. Wilson moved, seconded by Mr. Goodwin and carried, that each time Habitat for Humanity applies for a building permit to construct a new home, the fees be calculated by the Building Department for the building permit fee and the Planning Department for zoning fees (including Erosion & Sediment Control) and the Board will make a donation in that same amount to Habitat for Humanity. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: None. Abstain: Burkett.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: COMPOSITION OF PLANNING COMMISSION

Supervisor Burkett requested that this item be added to the agenda. He stated that he feels that the Planning Commission should be a five (5) member Board. He explained that 90 days after an election, the new Board member would appoint a new commission member. Chairman Frame stated that he prefers to keep a ten (10) member commission. He concurred that appointments should occur 90 days after an election and then another appointment two (2) years later. Mr. Goodwin stated that he was in agreement with Chairman Frame. Mr. Wilson stated that he is in favor of a five (5) member commission and explained that temporary committees could be appointed by the five (5) member commission with no extra cost to the County. He concurred with appointment 90 days after election. Mrs. Abbs stated that she agrees with a five (5) member commission, as well as, appointment 90 days after election.

Ms. Pandak explained the process for amending the County ordinance to reconstitute the Planning Commission.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to schedule a public hearing on March 23, 2010, to consider a proposed amendment to the Orange County Code of Ordinances that would change the size of the Planning Commission from 11 to five (5) members whose terms coincide with the Member of the Board of Supervisors of the district and to make the Supervisor position on the Planning Commission a liaison with no voting privileges. Ayes: Abbs, Burkett, Wilson. Nays: Frame. Abstain: Goodwin.

RE: PRIVATE ROADS

Debbie Kendall, Interim Planning Director, stated that in September, 2009, staff provided the Board with background information regarding the current required 50' right-of-way or easement width for new public or private streets. To provide additional guidance, staff has researched the private street standards of localities similarly situated to Orange County. Staff has prepared a draft amendment to the Orange County Subdivision Ordinance for the Board's review and discussion.

By consensus, the Board requested that this discussion be postponed until the review of the Subdivision Ordinance.

RE: ZONING ORDINANCE

Mrs. Abbs updated the Board on the progress of the Zoning Ordinance. She reported that Mrs. Kendall is facilitating the meetings; therefore, the consultant does not have to attend. The Planning Commission has reviewed the entire Zoning Ordinance with the exception of the districts. Mrs. Abbs indicated that the Planning Commission will be reviewing the Agricultural Zoning District and the Agricultural Conservation Districts next.

Mrs. Abbs requested that the Board send a letter of support on behalf of Reynolds Pontiac, Cadillac, GMC to the GM Manager for continuation of the Cadillac franchise in Orange County. She stated that Donald Brooks, District Three Planning Commission Member, asked what the Planning Commission can do or not do to help with Economic Development in Orange County.

Ms. Pandak explained the concept of planned development.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report as prepared by Phyllis M. Yancey, Treasurer.

RE: CALENDAR

The Board received copies its calendar for the months of February, March, and April, 2010.

Chairman Frame stated that he would be attending the James Madison birthday celebration at Montpelier.

RE: RECESS

The Board took a short recess and 9:24 p.m. and reconvened in Closed Meeting.

RE: CERTIFICATION OF CLOSED MEETING

At 11:09 p.m. Ms. Pandak read the following resolution certifying the Closed Meeting:

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.

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

RE: RECESS

There being no further business to discuss, the Board recessed the meeting to Tuesday, March 2, 2010, for a Budget Worksession.