

BOARD OF SUPERVISORS MINUTES

MARCH 9, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 9, 2010 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; S. Teel Goodwin, Vice-Chairman; Shannon Abbs; Zack Burkett; and Grover Wilson. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon 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 amended.
Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None. Absent: None.

RE: CONSENT AGENDA

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

RE: RESOLUTIONS OF APPRECIATION - WINTER STORM

The Board approved the following resolutions of appreciation for services and assistance during the Winter Storm:

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, the Orange County Volunteer Fire Company, the Mine Run Volunteer Fire Company, the Gordonsville Volunteer Fire Company, the Barboursville Volunteer Fire Company, the Orange County Volunteer Rescue Squad, and the Lake of the Woods Volunteer Fire and Rescue Company, as always, selflessly volunteered their time and skills to provide for the health and safety of others, and through the generous use of their facilities provided shelter and/or water to their fellow citizens, and

WHEREAS the Board of Supervisors of the County of Orange, on behalf its citizens, wishes to express its pride and appreciation for the response of the County to this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that the organizations identified above and the citizens of the County are congratulated and commended for their actions in this crisis and their efforts on behalf of their fellow citizens, that these actions are in keeping with the finest traditions of the County and the Commonwealth of Virginia and stand as an example for generations to follow, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, Elaine Anderson, TRIAD Coordinator, volunteered her time and skills at the

Emergency Shelter to provide food and assistance to citizens who had to leave their homes due to power outages, and

WHEREAS, Elaine Anderson stayed continuously at the Emergency Shelter from the time that it was opened until it was closed; and

WHEREAS, the Board of Supervisors of the County of Orange, on behalf of its citizens, wishes to express its pride and appreciation for the response of the County to this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that Elaine Anderson be congratulated and commended for her actions in this crisis and her efforts on behalf of her fellow citizens, that these actions are in keeping with the finest traditions of the County and the Commonwealth of Virginia and stand as an example for generations to follow, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, the Virginia National Guard provided assistance to the County through the following personnel: SPC Victor Kanyagui; SPC Mary Leacock; SPC Maria Jackson; SPC Shayne Smith; PFC Jennifer Gaulton; SGT Jared Loomis; SPC Gerard Reynolds; and PFC Kristina Parrish; and

WHEREAS, the Virginia National Guard also provided cots, comfort kits, and blankets for the Emergency Shelter that was established for citizens who had to leave their homes due to power outages, and

WHEREAS the Board of Supervisors of the County of Orange, on behalf of its citizens, wishes to express sincere appreciation to the National Guard for its support and response to Orange County during this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that the Virginia National Guard commended for its actions in this crisis and their efforts on behalf of the citizens of Orange County, which is in keeping with the finest traditions of the Commonwealth of Virginia, and stand as an example for future generations, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, the American Red Cross, the nation's premier emergency response organization, provided volunteers, food and blankets, through its local Culpeper Chapter, for the Emergency Shelter which was established for citizens who suffered power outages during the storm, and

WHEREAS, the Board of Supervisors of the County of Orange, on behalf of its citizens, wishes to

express its pride and appreciation for the response of the Red Cross to this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that the Red Cross – Culpeper Chapter be congratulated and commended for its actions in this crisis and their efforts on behalf of the citizens of Orange County, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, members of County government, including the Office of Emergency Management, 911 Emergency Communications Center, County Fire & EMS, the Sheriff's Office, the Department of Public Works, the Building Inspections Department, and the Orange County School System, in the finest tradition of public service, put personal needs and requirements second and many worked countless hours of overtime to provide vital services during the storm and its aftermath, and

WHEREAS, the Board of Supervisors of the County of Orange, on behalf of its citizens, wishes to express its pride and appreciation for the response of the County to this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that the departments identified above are congratulated and commended for their actions in this crisis and their efforts on behalf of their fellow citizens, that these actions are in keeping with the finest traditions of the County and stand as an example for generations to follow, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

RESOLUTION OF THE
BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA

WHEREAS, beginning on February 5, 2010, Orange County was impacted by a major snowstorm which ultimately dumped over 15 inches of snow on Orange County, and created extremely hazardous conditions; and

WHEREAS, Mario's, Domino's, McDonalds, Kentucky Fried Chicken, and Mayhurst Inn, without regard to self interest or financial gain, donated food for emergency personnel and citizens who sought shelter at the Emergency Shelter which was established for those who suffered power outages during the storm, and

WHEREAS, various other public and private organizations and businesses within the County, too numerous to mention by name, combined their resources to meet the nearly unprecedented challenges presented by the storm, and

WHEREAS, the Board of Supervisors of the County of Orange, on behalf of its citizens, wishes to express its pride and appreciation to these organizations to this emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Orange, Virginia, that the organizations identified above are congratulated and commended for their actions in this crisis and their efforts on behalf of their fellow citizens, that these actions are in

keeping with the finest traditions of the County and stand as an example for generations to follow, and that the appreciation and thanks of government and its citizens of the County are hereby conveyed by the adoption of this Resolution.

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS

Chairman Frame presented service awards to the following employees:

- April Clark, E911 Center Manager, for ten years of dedicated service; and
- Gail Lloyd, Child Care Director with the Parks and Recreation Department, for ten years of dedicated service.

RE: PRESENTATION OF RESOLUTION OF APPRECIATION TO DONALD GORE

Chairman Frame presented Donald Gore, VDOT Resident Engineer, with a resolution of appreciation for his service to Orange County and congratulating him on his upcoming retirement on May 1, 2010.

RE: VDOT UPDATE

Don Gore, VDOT Resident Engineer, updated the Board on the status of road projects within Orange County. He indicated that he would like to schedule a meeting with the County Administrator to discuss the proposed Six Year Plan.

Jim Utterback, VDOT District Administrator, briefed the Board on upcoming changes at the Culpeper District Office. He reported that the Culpeper and Louisa Residency Offices will be closing, as well as, the Orange and Louisa Equipment Shops. Telephone assistance will be provided by a statewide call center, similar to "Miss Utility" used by the electric companies. Land development and permitting services will be consolidated at the District Complex. He stated that he cannot commit to having a representative attend each Board of Supervisors meeting to give an update.

RE: TOURISM QUARTERLY REPORT

Lynne Lochen, Tourism Manager, reported on the activity in the Tourism Department for the past quarter: December, 2009 – February, 2010. She commented on the Sesquicentennial Committee and stated that a local committee needs to be formed. Some suggestions have been made for a local event, but nothing has been finalized.

RE: ACTION ITEMS

RE: VIRGINIA OUTDOORS FOUNDATION EASEMENT REQUESTS

Debbie Kendall, Interim Planning Director, reported that the Virginia Outdoors Foundation will be considering three easement requests at its April 1, 2010 Board meeting and has asked the County for a determination as to whether these requests are consistent with the County's Comprehensive Plan:

The properties under consideration are as follows:

- Joseph A. and Betty S. Gardner: Tax Map No. 17-17 (174.985 acres)
The Gardner property is located in an area intended to be Agricultural Conservation on the future land use map of the 2006 Orange County Comprehensive Plan and is currently zoned Agricultural.

- **Fairfield View: Tax Map No. 55-11 (89.77 acres)**
Fairfield View property is located in an area intended to be Agricultural Conservation on the future land use map of the 2006 Orange County Comprehensive Plan and is currently zoned Agricultural.
- **William Carl and Jane P. Remington: Tax Map No. 67-13 (170.345 acres)**
The Remington property is located in an area intended to be Agricultural Conservation on the future land use map of the 2006 Orange County Comprehensive Plan and is currently zoned Agricultural.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize staff to confirm with the Virginia Outdoors Foundation, that placement of these properties under easement is consistent with the County's Comprehensive Plan. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: Wilson.

RE: CDBG - PLANNING GRANT BROADBAND INITIATIVE

Vanetta Pledger, Information Technology Director, briefly commented on a letter received from Denise Ambrose, Associate Director of the Department of Housing and Community Development (DHCD), requesting additional information on the proposed Broadband Project. Ms. Jordan stated that, according to the letter, DHCD has reserved \$3,000 in Planning Grant funding to reimburse the County for completion of the following activities by May 15, 2010:

- Completion of an initial public meeting;
- Completion of an initial management team meeting;
- Business Needs Survey;
- Draft RFP for professional services; and
- Completion of a second management team meeting.

Ms. Jordan stated that it does not seem reasonable to complete the requested actions within the time frame of May 15, 2010.

Discussion ensued including: stimulus funds; costs associated with the Planning Phase of the proposed project; residential needs; business needs; and the need for redundancy.

Supervisor Burkett moved to table the proposed project at this time. Ayes: Burkett, Goodwin, Wilson, Frame. Nays: Abbs.

RE: RECESS

The Board recessed the meeting at 5:09 p.m. for a joint dinner meeting with the Orange County Extension Office.

RE: RECONVENE

The Board reconvened in Open Meeting at 6:35 p.m.

RE: CLOSED MEETING

At 6:35 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 matters:

1. *Board of Supervisors v. S&J Partnership, et al., Case No. CL06-*

000266 (§2.2-3711.A. 7 VA Code Ann.);

2. 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 legal advice related thereto (§§2.2-3711.A. 6 and 7 VA Code Ann.);
3. Legal advice regarding provisions of the Subdivision Ordinance;
4. Assignment, performance and salaries of specific appointees or employees (§ 2.2-3711.A.1 and 7 VA Code Ann.);
5. Legal advice regarding a specific tax collection.

WHEREAS, pursuant to §§2.2-3711.A. 1, 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 Mr. Wilson and carried, to approve the resolution as presented. Ayes: Burkett, Wilson, Frame. Nays: None. Absent: Abbs, Goodwin. (*entered the meeting at 6:45 p.m.*)

RE: CERTIFICATION OF CLOSED MEETING

At 7:03 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: PRESENTATIONS OF RESOLUTIONS OF APPRECIATION

Chairman Frame, on behalf of the Board, presented resolutions of appreciation to the following individuals and agencies for their contributions during the winter storm:

- Orange County Volunteer Fire Companies;
- Mayhurst Inn;
- Elaine Anderson, TRIAD Coordinator;
- Orange County Emergency Management Department; and
- The National Guard.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment.

- Tom Schlegel, 5176 Harvest Lane, Barboursville, commented on the Orange County Dog Ordinance.

- Reese Altman, 22241 Monrovia Road, Orange, commented on a dust problem on his property.

RE: BOARD COMMENT

Supervisor Burkett commented on the March 2, 2010 Board meeting at which time the Board discussed a tax increase. He urged the Board to do more review.

Supervisor Wilson commented on the possible \$.04 tax increase.

Supervisor Abbs stated that a budget worksession was scheduled for discussion later in the evening, and that each of the Board members could suggest additional cuts.

RE: ACTION ITEMS CONTINUED

RE: PURCHASE OF VEHICLES FOR LANDFILL

Ms. Jordan explained that the Orange County Landfill is requesting permission to enter into a cooperative agreement through the Fairfax County contract to purchase a 2009 refuse truck via Mid-Atlantic Waste Systems. The total cost of the refuse truck is \$200,000. There is approximately \$150,000 budgeted for the vehicle. The remaining funds will come from the on-line auction of landfill equipment. She reported that estimated proceeds from the GovDeals.com auction will be approximately \$70,000 - \$90,000. Ms. Jordan stated that staff is requesting to enter a purchase order to reserve the truck due to the availability of the 2009 chassis. There are two 2009 chassis left and if the County were to miss out, the cost of the truck would increase by \$35,000 due to new regulations from the Environmental Protection Agency (EPA). She stated that, additionally, the landfill is requesting permission to trade in one of its older model refuse trucks to reduce the final cost to the County. Ms. Jordan explained that the supplier has requested that a purchase order to place a reservation on the chassis until all of the funds have been received for the truck. She confirmed that nothing will actually be ordered until all auctions have ended and the vehicles have been sold to make up the remaining balance owed. If the purchase order is canceled, there will not be a cancellation fee due to the demand of the 2009 chassis.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to allow the County Administrator to issue a purchase order and/or enter into an agreement with Mid-Atlantic Waste Systems for the purchase of a 2009 Mack front end loading refuse truck in the amount of \$200,000. The purchase order/agreement is contingent upon the sale and appropriation of currently owned county landfill vehicles.

Discussion ensued among the Board and Kurt Hildebrand, Director of Public Works, regarding the make, model and condition of the truck being sold.

Vote on the original motion: Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC HEARING

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:

- Proposed Amendments to County Code Chapter 70, Zoning Ordinance:

To incorporate recent State legislation and to improve clarity, the following amendments are proposed:

Article II. Division 2. Board of Zoning Appeals.

- Sec. 70-61. Appointment and organization.
- Sec. 70-62. Rules and regulations.
- Sec. 70-66. Variances.
- Sec. 70-68. Appeals from decisions of the zoning administrator.
- Sec. 70-69. Appeals from decisions of board of zoning appeals.

Division 5. Special Use Permits. - extends the time of certain permits.

Sec. 70-144. Expiration.

To allow certain temporary and seasonal sales and special events by zoning permit in commercial districts, instead of requiring a rezoning or special use permit. Sets forth the process for obtaining a zoning permit. Specifies exemptions to the zoning permit requirement, including non-profit and civic organization uses, and temporary uses related to the primary use.

Sec. 70-1. Definitions to define "non-profit" and "civic organization."

Sec. 70-116. [Zoning permit] Required.

Sec. 70-122. Temporary use permits. [NEW]

Sec. 70-452. [Limited Commercial Zoning District (C-1)] Permitted uses.

Sec. 70-482. [General Commercial Zoning District (C-2)] Permitted uses.

Sec. 70-940. Temporary uses, general. [NEW – added only in commercial zoning districts].

Debbie Kendall, Interim Planning Director, briefly reviewed the proposed amendments to the Zoning Ordinance.

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

Discussion ensued including: yard sales; outdoor retail events; use of right – commercial district; and civic non-profit.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the proposed ordinance amendments as presented. Ayes: Abbs, Burkett, Goodwin, Frame. Nays: Wilson.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Supervisor Abbs volunteered to serve as the Board's liaison to the Orange Youth Sports Foundation.

Chairman Frame nominated Lynn Huntsman for reappointment as the District Five representative on the Social Services Board for a four year term, with said term expiring June 30, 2014.

Supervisor Abbs nominated John Floyd for reappointment as the District One representative on the Orange County Library Board, with said term expiring June 30, 2014.

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

RE: DISCUSSION ITEMS

RE: ZONING ORDINANCE - ROAD FRONTAGE REQUIREMENT

Supervisor Burkett requested that this item be added to the agenda. He stated that he would like for the Zoning Ordinance to be amended to allow an extended Right of Way. Supervisors Wilson and Burkett briefly explained a constituent's current situation.

Discussion ensued including: current road frontage requirement; proposed new road

provision; and Right of Way easements.

Debbie Kendall, Interim Planning Director, briefly explained to the Board how the gentleman's information was presented to the Planning Department.

The Board took no action at this time.

RE: RURAL ADDITIONS: WILDERNESS SHORES WAY (WILDERNESS SHORES SUBDIVISION)

Supervisor Wilson requested that this item be added to the agenda. He briefed the Board on the history of the Wilderness Shores project.

Ms. Pandak stated that Tricord and the Wilderness Shores Homeowners Association, are working together to resolve the issue. The road will have to qualify for a rural road. She explained that the Board will need to endorse this as a Rural Addition in order to get it into the State System.

Tim Hall, Director of Land Development for Tricord, spoke in support of the Rural Addition.

Ms. Jordan stated that she has a meeting scheduled with Don Gore and will address this subject during that meeting.

Craig Jones, representative for the Wilderness Shores Homeowners Association, stated that they would appreciate any assistance that the Board can provide. He stated that the road is in pretty good condition now; however, VDOT is requesting that the road be reconstructed to the current state standards. He explained that when the road was first constructed it met the standards. He concluded by saying that is it not economically feasible to do that now.

Mr. Wilson moved, seconded by Mr. Burkett and carried, to initiate the Rural Addition process for Wilderness Shores Way. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: COMMITTEE REPORTS

RE: JOINT PLANNING AREA COMMITTEE

Supervisor Goodwin reported on the status of the Joint Planning Area Committee. He stated that they are in the process of doing an analysis of the build-out area. He also reported that they were creating a vision statement and would like input from the Board.

RE: SOLID WASTE SUBCOMMITTEE

Chairman Frame commented on the recent Solid Waste Subcommittee meeting. He reported that \$300,000 of revenue has been lost over the past two years at the landfill due to the amount of trash from the Town of Orange. He noted that an engineer's conceptual drawing had been presented for the new middle school collection site. He concluded by saying that proposed changes to the Solid Waste Ordinance had been drafted and were being discussed.

RE: CALENDAR

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

RE: SCHEDULE DATE(S) FOR COMPREHENSIVE PLAN REVIEW

By consensus, the Board authorized staff to adjust its meeting schedule as follows:

- Tuesday, April 27, 2010 beginning at 6 p.m.;
- Add discussion to the May 11, 2010 meeting; and
- Tuesday, May 25, 2010, beginning at 6 p.m.

Ms. Jordan commented that the consultants Wiley & Wilson will be making a presentation on the Water Supply Plan at the Board's May meeting.

RE: RECESS

The Board took a short recess at 8:31 p.m. and reconvened at 8:51 p.m.

RE: BUDGET WORKSESSION

Ms. Jordan and Karen Karasinski, Finance Director, facilitated a budget worksession with the Board. Discussion ensued including: consolidated list of external entities; generator at the Animal Shelter; median salary of County resident; increase in taxes to cover future years; textbooks; legal fees; hours of operation at collection centers; and preparation of Board packets.

By consensus, the Board reduced the number of Board packets to be made from 15 to 10. Those to receive a copy of the Board packet include: Board members; County Administrator, County Attorney, two media (Orange County Review and Free Lance Star); and the public notebook.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 10:38 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.