

**BOARD OF SUPERVISORS MINUTES**

**March 22, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 22, 2011 beginning at 7:00 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 Pandak, County Attorney; and Teresa Lamb, Administrative Assistant.

RE: ADOPTION OF AGENDA

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adopt the agenda as revised. 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:

<b>DEPT</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT</b>	<b>Funding Source</b>
Sheriff	Forfeited Assets	\$ 112.07	Forfeited Assets
<b>Subtotal Sheriff</b>		<b>\$ 112.07</b>	
	<b>Total this request</b>	<b>\$ 112.07</b>	
	<b>Total Year to Date</b>	<b>\$ 212,832.08</b>	

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. The following individuals spoke:

- Calvin Kurtz, Mine Run
- Jennifer Davis, Gordonsville
- Rod Hawkins, Gordonsville
- Kim Meadows, Unionville
- Kevin & Mindy Cook, Orange.

There being no additional speakers, public comment was closed.

RE: BOARD COMMENT

Chairman Frame asked Ms. Jordan, to look into the technical and legal aspects of having a donation listing on the citizens' tax forms when they pay, in order for them to be able to contribute money to their local school sports programs.

Ms. Jordan explained that she and the County Attorney had discussed the matter, and that it was

legal to implement on the tax forms. She explained that she would need to talk to the Treasurer for further input and action.

Chairman Frame directed Ms. Jordan, to speak with the Treasurer on the matter and to put the item up for discussion at the April 12, 2011, meeting.

RE: ACTION ITEMS

RE: PROPOSED BOOSTER PARK MANAGEMENT AGREEMENT

Ms. Jordan presented to the Board a revised Booster Park Management Agreement with the Orange Youth Sports Foundation (OYSF).

Chairman Frame stated that section H of the agreement was not completed by the Orange Youth Sports Foundation. Ms. Jordan explained that the OYSF did not offer to include anything on section H of the agreement and that she would be glad to give it back to them to complete that section.

Mr. Burkett stated that he would not be willing to vote on the proposed agreement until they completed that section.

Mr. Burkett motioned, seconded by Mr. Wilson and carried, to table the matter. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: INDIGENT FUNERAL SUPPLEMENTS

Amy Rankin, Accountant, explained to the Board that they had received a request from Preddy's Funeral Home to pay for funeral expenses for a County resident. Mrs. Rankin stated that she was looking for direction from the Board as to how she should proceed with the request.

Mr. Goodwin motioned, seconded by Mr. Burkett and carried, to approve the Indigent Funeral Supplements to be taken from the General Reserve Fund. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: REDISTRICTING PUBLIC COMMENT

At 7:31 p.m. Chairman Frame opened the floor for public comment. The following individuals spoke:

- Marty Caldwell, 118 Saylor Creek Road, Locust Grove
- Ken Dotson, 33225 Constitution Hwy., Locust Grove
- Tom Bundy, 13049 St. Just Road, Unionville.

There being no additional speakers, public comment was closed.

RE: PUBLIC HEARING

At 7:40 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

- Proposed Amendments to County Code Chapter 6, Animals,
  - Article III. Dogs
  - Division 2. License Tax
    - Sec. 6-113: Amount of License

This amendment, if adopted, will allow dog owners to purchase one (1), two (2), or three (3) year license based on the amount of time during which the dog's most recent rabies inoculation will be effective. Additionally, the amendment, if adopted, will provide the following fee schedule for dog licenses:

- |     |                         |
|-----|-------------------------|
|     | Spayed or Neutered:     |
| (1) | 1 yr. licenses: \$5.00  |
| (2) | 2 yr. licenses: \$10.00 |
| (3) | 3 yr. licenses: \$15.00 |
|     | Not Spayed or Neutered  |
| (1) | 1 yr. licenses: \$10.00 |
| (2) | 2 yr. licenses: \$20.00 |
| (3) | 3 yr. licenses: \$30.00 |

At 7:41 p.m. Chairman Frame opened the floor for public comment. There being none, public comment was closed.

Mr. Burkett motioned, seconded by Mrs. Abbs and carried, to approve the following resolution:

AMEND COUNTY CODE CHAPTER 6: ANIMALS

WHEREAS, the Orange County Board of Supervisors has reviewed its animal ordinances and desires to amend the ordinance regarding amount of license tax so that it can be paid for up to three (3) years at one time; and

WHEREAS, a public hearing has been duly advertised and held on this draft amendment;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby enacts the attached proposed amendment to Chapter 6, Animals:

- Sec. 6-113: Amount of license tax. [Amended]

Sec. 6-113. Amount of license tax.

- (a) Pursuant to the authority of Code of Virginia, § 3.2-6528, any person licensing a dog in the county shall pay an annual license tax on the ownership of the dog according to the following schedule:

- |     |  |
|-----|--|
|     | <u>Spayed or Neutered:</u>                         |
| (4) | <u>1 yr. licenses: \$5.00</u>                      |
| (5) | <u>2 yr. licenses: \$10.00</u>                     |
| (6) | <u>3 yr. licenses: \$15.00</u>                     |
|     | <u>Not Spayed or Neutered</u>                      |
| (4) | <u>1 yr. licenses: \$10.00</u>                     |
| (5) | <u>2 yr. licenses: \$20.00</u>                     |
| (6) | <u>3 yr. licenses: \$30.00</u>                     |
|     | Male dog . . . \$10.00                             |
|     | <del>Unsexed (castrated) male dog . . . 5.00</del> |
|     | Female dog . . . 10.00                             |
|     | <del>Unsexed (spayed) female dog 5.00</del>        |

(b) No license tax shall be levied on a guide dog for a blind person, service dog or dogs under four months of age.

(Ord. of 12-8-2009)

State law references: Amount of the license tax, Code of Virginia, § 3.2-6528

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

RE: REDISTRICTING - PATRICK MAUNEY, RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION

Mr. Mauney updated the Board on the proposed redistricting map and made adjustments to the boundaries as directed by the Board.

Discussion ensued including: district boundaries; populations; verifying proposed polling locations; advertisement of the public hearing, and setting up a meeting time for the internal redistricting team.

There being no further discussion, Chairman Frame thanked Mr. Mauney for his help in making the Board's requested boundary adjustments.

RE: RECESSED

At 9:25 p.m. the Board recessed and reconvened at 9:36 p.m.

RE: ACTION ITEMS (Cont'd)

RE: ANIMAL SHELTER LOBBY PROJECT

Julie Jordan, County Administrator, explained to the Board that the Animal Shelter would like to undergo a project to expand their lobby/reception area. Ms. Jordan stated that the Shelter has collected donations in the amount of \$3,800 which equals the lowest quote associated with the cost of this project, therefore eliminating the need for use of County funds.

Mr. Burkett motioned, seconded by Mrs. Abbs and carried to appropriate \$3,800 in donations to the capital projects fund for renovation/construction on the Animal Shelter lobby/reception area. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: MOTHER DEAR'S COMMUNITY CENTER (MDCC) REQUEST FOR TAX RELIEF

Julie Jordan, County Administrator, explained to the Board that Mother Dear's Community Center submitted a second request to be re-considered for real and personal property tax relief on their property located on Verling Drive in Orange County, identified as Tax Parcel 69 (1) – 9 White SD 20.500.

Discussion ensued including: the amount of money involved; the assessed value of the property and that no buildings or structures are on the property.

The motion died for a lack of a motion from the Board.

RE: ZONING ORDINANCE: SUPERVISOR BURKETT

Mr. Burkett stated that the zoning ordinance was drafted by some of the Planning Commission members who are no longer serving and that they did not convey the expectations of most of the Board members today. He asked the Board members if they would like to send it back to the new Planning Commission members to incorporate the Board's expectations of what the zoning ordinance should convey, or if they would like to go through the zoning ordinance themselves.

Discussion ensued including: current zoning ordinance being too long and too difficult to understand; having the new Planning Commission members work on it; not spending staff and attorney time to work on the draft, and working on the Comprehensive Plan first.

By consensus, the Board agreed to hold off on the zoning ordinance until the Planning Commission has had time to complete the Comprehensive Plan first, and then have them work on the zoning ordinance.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Sheriff's Office DMV Overtime and Equipment Grant
- Letter from the Arts Center in Orange RE – Funding from Orange County: Julie Jordan, County Administrator
- Letter from Central Virginia Regional Jail RE – Approved Budget FY 11/12: Julie Jordan, County Administrator

RE: CALENDAR

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

- Orange County Spring Clean Up (April 9, 2011)
- Orange County Secondary System, Six Year Program Worksession

Ms. Jordan commented that VDOT has a packet of information on the Secondary Six Year plan that they would like to give to the Board members along with a tour of the secondary roads. She went over the dates that VDOT had made available to the Board.

By consensus, the Board agreed to conduct the VDOT worksession and tour on Friday, April 8, 2011, beginning at 10:00 a.m. in the Board room of the Gordon Building, and they asked staff to make an announcement of the meeting to the public and the media.

RE: CLOSED MEETING AUTHORIZATION

At 10:00 p.m., Ms. Pandak read the following resolution:

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

- One matter of discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community (§2.2-3711.A.5 VA Code Ann.);
- *Friends of Wilderness Battlefield, et al., v. Board of Supervisors, et al.*, and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);

- Three (3) personnel matters related to employment or performance of specific employees (§2.2-3711.A.1 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 1, 5 and 7 VA Code Ann., such discussion(s) 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 matter(s) 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: CLOSED MEETING CERTIFICATION

At 11:15 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.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to approve the Closed Meeting Certification resolution as presented.

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

RE: ACTION FOLLOWING CLOSED MEETING

Supervisor Wilson asked Julie Jordan, County Administrator, to read the following statement about the King Family Offer and their property on Route 3 in Orange County. Ms Jordan read the following statement:

*[As a Board member, I wanted this on the agenda tonight because it is an item we as a Board need to discuss, for the betterment of this County. This offer was brought before each Board member, County Administrator, and others, 6 weeks or more ago, but it has not been discussed since then.*

*Route 3 corridor is where the future of Orange County is. It is where a large tax base can come from. Orange County needs businesses, places for our citizens to have jobs and also to spend their money, not in other Counties. The census figures shows district 4 and district 5 have the largest population in the County, so why not build in this area.*

*What the King family is offering is a way for the County to get the infrastructure started on Route 3. It does not have to be a Walmart, it can be a number of businesses that might want to consider developing in this area.*

*MAYBE IT IS TIME FOR ORANGE COUNTY TO BE IN THE BUSINESS OF BEING A DEVELOPER!*

*If this Board pulls together and work as a whole we can make a big difference in our tax base—better schools including technical center and other things. We cannot do this without funding and the funding comes from businesses.*

*If it is O.K. with the Board, I would like for the representative of the King property, Kenny Dotson, to give us a short preview of the proposal.*

*I, Grover Wilson, would like to make a motion for the County Administrator to arrange a meeting with the County Administrator, Economic Development Director, Mr. King, his representative, Kenny Dotson, myself, because I represent the district that this offer is proposed in and Jim White, Economic Development Chairman, as soon as possible.]*

Mr. Goodwin seconded the motion.

Chairman Frame asked Mr. Kenny Dotson, the King's representative, to share some information about the type of meeting that would take place, before voting on it.

Mr. Dotson thanked Supervisor Wilson for taking the initiative to bring the offer to everyone to discuss. He stated that it was necessary for the County to start looking at how to balance the County's tax base. He explained what the offer would mean to the King family, the citizens, and to the County.

He clarified what his and the King family's intentions were for the County, and he explained that they needed to work together to start infrastructure in the right places and to bring businesses here to the County. He stated that he would like to see his children and the citizens' children make the County their home, and spend their tax dollars here, instead of moving away because of the lack of jobs. He explained that they were there to help in any way that they could, to help move this County forward and were prepared to do whatever it took to make that happen. He closed by saying that they were open to any ideas that the County might have.

Discussion ensued including: the concept of what was proposed; why they would involve the County; localities controlling the water and sewer and allowing for the needed infrastructure; maximizing the dollar value for the County; selling the land to the business and using that money for the infrastructure.

There being no further discussion, the Chairman asked the Board for their vote to move forward with the meeting.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 11:38 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.