

BOARD OF SUPERVISORS MINUTES

May 24, 2011

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 24, 2011, beginning at 5:00 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 Ashley Jacobs, Chief Deputy Clerk.

**Supervisor Goodwin entered the meeting at 6:00 p.m.*

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: MINUTES

The Board approved the following minutes:

- March 1, 2011 Budget Worksession
- March 3, 2011 Budget Worksession
- March 15, 2011 Budget Worksession
- March 17, 2011 Budget Worksession
- May 10, 2011 Regular Meeting

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: INTRODUCTION OF SIDNEY JENKINS, WORKFORCE INVESTMENT BOARD COUNSELOR

Ms. Jordan announced that Sidney Jenkins is the new Workforce Investment Board Counselor. She also announced that the ribbon cutting ceremony for the Workforce Investment Center would be June 14, 2011, at 2:00 p.m. and that Mr. Jenkins would be available in the Center, Monday-Wednesday from 8:00 a.m. until 4:00 p.m. Ms. Jordan stated that Mr. Jenkins would be available for a personal introduction at 7:00 p.m.

RE: RECOGNITION OF THE 2011 OUTSTANDING TELECOMMUNICATIONS OFFICER/DISPATCHER AWARD RECIPIENT, NICOLA TIDEY, E-911 MANAGER

On behalf of the Board, Chairman Frame congratulated Nicola Tidey, E-911 Manager, for her 2011 Outstanding Telecommunications Officer/Dispatcher of the Year Award from the Rappahannock Emergency Medical Council. Ms. Jordan announced that Ms. Tidey would be participating at the Commonwealth level for the next series of the competition.

RE: RECOGNITION OF MICHAEL DECLUE AND LARRY MYERS OF THE SHERIFF'S DEPARTMENT FOR PARTICIPATION AND AWARD AT THE VIRGINIA POLICE K-9 ASSOCIATION IRON DOG COMPETITION

Mark Amos, Sheriff, introduced Officer Michael DeClue and Officer Larry Myers and explained their participation in the Virginia Police K-9 Association Iron Dog Competition. Sheriff Amos announced that Michael DeClue placed 1st place in Narcotics Detection, 1st place in

Muzzle Work, and 2nd place in Area Search; Larry Myers placed 2nd place in Vehicle Narcotics Find. Sheriff Amos also announced that Larry Myers placed 1st place overall and Michael DeClue placed 5th place overall. The Board congratulated both officers and thanked them for their work with the County.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

Supervisor Burkett commented that the Board received a letter from Laura Donahue, Director of the Humane Society of the United States, concerning Beth Hamilton, Director of the Animal Shelter, which stated "this past week two of my colleagues in our sheltering initiatives program at The Humane Society of the United States and I conducted a tour of several shelters in Virginia and on Tuesday we stopped by the Orange County shelter. I would be remiss if I didn't send you an email to tell you how impressed we were by Beth's leadership and the innovation she has demonstrated by doing so much with so little. While some of our shelter stops were in northern Virginia communities where their shelters benefitted from a enormous building and big donors, it was our stop in Orange County that stole our hearts and impressed us the most. There was such a sense of warmth amongst the people and the animals alike and there was no doubt that these animals were treated with the utmost compassion at the shelter- no matter how long their stay. It was clear how many hours Beth and her staff work to keep the shelter running smoothly and they should be commended for their tireless dedication to fulfilling this incredibly tough community need. The leaps and bounds that the shelter has grown over the past few years is clearly no accident, but a direct result of Beth's leadership. Kudos to all of you for such a special shelter and for appointing such an excellent shelter director." Mr. Burkett personally thanked Beth Hamilton for her work with the County.

Supervisor Abbs commented that on Saturday, May 21st, she and Supervisor Wilson were both present at the Relay for Life event and that over \$60,000 was raised to help find a cure for cancer, which deserves public recognition. By consensus, the Board agreed to send a letter to the individuals responsible for the Relay for Life event, thanking them for their community support.

RE: ACTION ITEMS

RE: UPDATED FUND BALANCE POLICY/GOVERNMENT ACCOUNTING STANDARD BOARD STATEMENT NO. 54

John Sieg, Interim Finance Director, provided the Board with an update of the County's Fund Balance Policy that was previously adopted on April 11, 2006, along with a redlined copy showing the changes made to the existing 2006 Policy and a completely revised version for their consideration and explained why the policy is being revised.

Mr. Sieg explained that new classifications of fund balance elements as set forth in the Government Accounting Standard Board Statement No. 54, has prompted a revised Fund Balance Policy. Another driving factor for the revised policy was a result of discussion during a previous budget work session regarding the fiscal stability reserve. Discussion ensued.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the updated Fund Balance Policy as revised, reversing options 3 and 4 under item 1E. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: ELECTRONIC PAYMENT OF VENDORS

John Sieg, Interim Finance Director, presented the Board with a Commercial Credit Card

Agreement with Commerce Bank that will initiate the payment of accounts payable vendors through credit card accounts.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to enter into a Commercial Credit Card Agreement with Commerce Bank for the electronic processing of vendor accounts payable payments through credit card accounts and to sign the Commerce Bank Corporate Resolution to Obtain Commercial Card Accounts, as presented. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: CONTRIBUTION TO RAPIDAN BETTER HOUSING CORPORATION FOR FEE DONATION

Julie Jordan, County Administrator, stated that the County has received a request from the Rapidan Better Housing (RBH) Corporation for a current demolition and construction project at 16226 Rogers Lane, for a total contribution of \$678.14 and requested guidance from the Board.

The Board took no action at this time.

RE: ADVANCED NETWORK SYSTEMS, INC. CONTRACT EXTENSION

Joe Rodish, Procurement Technician, stated to the Board that the County currently has a contract with Advanced Network Systems (ANS) to provide wireless broadband maintenance services. Mr. Rodish explained the details of the contract and recommended extension of the contract contingent upon approval from the County Attorney.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize staff to execute the contract renewal with Advanced Network Systems (ANS) for an additional one (1) year term. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: TRANSFER OF SURPLUS PROPERTY – MAGISTRATE'S OFFICE

Joe Rodish, Procurement Technician, stated to the Board that the County currently has a surplus of office furniture in storage and the Magistrate has requested the County to purchase various items to furnish their office. Mr. Rodish requested the transfer of items from surplus rather than the purchase of new items, creating a savings of \$1500.00.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to authorize the staff to transfer the ownership of the surplus property (L-shaped desk, microwave, and stand/filing cabinet) from the County to the Magistrate's office, located at the Central Virginia Regional Jail. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: ADVERTISEMENT OF INVITATION FOR BID FOR FUEL FARM RELOCATION

Kurt Hildebrand, Public Works Director, requested permission from the Board to advertise for bids for the Fuel Farm Relocation Project to keep the project moving forward. Mr. Hildebrand stated that receiving bids does not obligate the County to move forward with construction but does provide the opportunity to seek grant funding.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to issue an Invitation for Bids of the Fuel Farm Relocation Project. Advertisement will occur June 5, 2011, and bids will be received and opened on June 30, 2011. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: E-911 CENTER GRANT FUNDING REQUEST

Nicola Tidey, E-911 Manager, explained that multiple options were discussed as to how to pay Verizon services rendered in FY2010. Ms. Tidey recommended that Orange County Communications meet the June 15, 2011 deadline and apply for grant funding using the Wireless Services Board (WSB) FY2012 Public Safety Answering Points (PSAPs) grant to fund these costs and to "opt-in" and have the WSB board resolve the issue.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize the E-911 Manager to apply for grant funding using the Wireless Services Board FY 2012 grant funding, to resolve the FY 2010 Verizon E-911 wireless costs and "opt-in" to have the Wireless E-911 Services Board resolve the issue. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: COMPREHENSIVE SERVICES ACT (CSA) PROPOSED DRAFT LETTER REGARDING POLICY CHANGES

Alisha Vines, Office on Youth Director, and Bob Lingo, Director of Social Services, presented to the Board Comprehensive Services Act proposed draft policies. Mr. Lingo explained that the Community Services Act Office intends to expand its ability to audit expenditures at the local level and determine which expenditures are not valid, at which time those expenditures would be charged back to the locality. Mr. Lingo reminded the Board that administration of the Community Services Act is meant to be a collaborative process with the Commonwealth and further stated that the proposed changes are set to go into effect July 1, 2011, which would be in advance of any guidance being provided. Mr. Lingo stressed that one letter commenting on the proposed draft policies counts as one vote when addressed to the Secretary of Health and Human Services.

Mr. Frame stated that he wanted the letter copied to the appropriate legislators.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to send the Comprehensive Services Act Proposed Draft Policies letter as amended and to send individual letters from each Board of Supervisors member. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: NOISE ORDINANCE REVISIONS

Ms. Pandak stated that the Board asked her to research what decibel levels were used for purposes of ordinances in other rural localities. She commented that the noise level must be heard inside of the residence not at the property line. She also commented that she had researched duration of the noise, but determined that it would not be useful to include in the ordinance because the Sheriff would have to measure the noise at the violation level for the duration specified in the ordinance. Ms. Pandak reminded the Board that the current ordinance is not enforceable by the Commonwealth's Attorney's Office, and that the County is not required to have a Noise Ordinance. She stated that the draft ordinance provided to the Board is the same as previously presented, with the exception that Supervisor Burkett's request had been included, regarding exempting noises from domesticated animals in agriculturally zoned districts.

By consensus, the Board agreed to start the repeal process for the existing noise ordinance and take up the scheduling of a public hearing for the revised noise ordinance as an action item for the next meeting.

RE: RURITAN BUILDING LEASE (TAX PARCEL 33-56)

Ms. Jordan stated that the Ruritan Building Lease has expired and requested guidance from the Board about how to proceed.

By consensus, the Board requested staff to draft a lease to be reviewed at the next meeting.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report: Alisha Vines, Director of Office on Youth
- Waterline near Dogwood Village: Kurt Hildebrand, Director of Public Works
- Treasurer's Monthly Report: Phyllis Yancey, Treasurer

Ms. Jordan stated that the CSA monthly report indicated that there may be a need for another infusion of money for CSA, but that they are unsure at this time if it will be necessary.

RE: COMMITTEE REPORTS

Chairman Frame opened the floor for Committee Reports by Board Members. There were no reports at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of May, June and July 2011.

- Workforce Investment Board Ribbon Cutting Ceremony – June 14, 2011 at 2:00 p.m.
- Landfill Public Hearing – June 22, 2011 at 7:00 p.m. – Board of Supervisors Meeting Room

RE: CLOSED MEETING

At 5:55 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):

- 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, and legal advice related thereto (§2.2-3711.A.5 and 7 VA Code Ann.);
- Two (2) matters of performance, recruitment or assignment of personnel and legal advice related thereto (§2.2-3711.A.1 and 7 VA Code Ann.);
- One matter of acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position of the County; and

WHEREAS, pursuant to §§2.2-3711.A. 1, 3, 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 aforesaid matter(s) in Closed Meeting.

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

RE: RECONVENE

The Board reconvened in Open Meeting at 7:24 p.m.

RE: PUBLIC APPEARANCES

RE: INTRODUCTION OF SIDNEY JENKINS, WORKFORCE INVESTMENT BOARD COUNSELOR

Sidney Jenkins, Workforce Investment Board Counselor, introduced himself and announced that he is located at 127 Belleview Avenue and that the Workforce Center is a center for job seekers. Lisa Houck, Program Director of the Culpeper Career Center, also announced that the Orange Workforce Center is open three days a week and encouraged the Board to attend the Ribbon Cutting ceremony on June 14, 2011 at 2:00 p.m.

RE: PUBLIC COMMENT

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

George Johnson, 32969 Indiantown Road, commented on firework permits and limits associated with these permits.

RE: CERTIFICATION OF CLOSED MEETING

At 7:27 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. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC HEARING

Chairman Frame announced the format and guidelines that would be used for the public hearing.

Gregg Zody, Director of Planning and Zoning gave a brief staff report, which was followed by a report from Special Use Permit applicants, Evelyn and Kent Woods.

Mr. Woods submitted letters from neighboring farmers in support of their Special Use Permit to the Board for their review.

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

- SUP 11-01: Liberty Mills Farm, LLC is requesting a Special Use Permit to operate a farm market, as well as provide associated "agricultural-based" activities. The site is zoned Agricultural (A) which, pursuant to Orange County Zoning Ordinance Sec 70-303, requires a Special Use Permit for a retail store of less than 4,000 square feet gross floor area, as well as to hold a carnival, circus, fairground, or similar temporary activity. The 110.57 acre property, identified on Orange County tax maps as parcel 41-18E, is located at 12408 Liberty Mills Farm Lane, south off Liberty Mills Road (Route 641), approximately 1,400 feet east of the intersection of Route 641 and Blue Ridge Turnpike (Route 231).

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

- Jack Snyder, 12574 Chicken Mtn. Road, Orange, VA 22960
- Barbara Bannar, 12441 Kendall Road, Orange, VA 22960
- Diana Dodge, 11103 Liberty Mills Road, Montpelier Station, VA 22957
- Steve Satterfield, 21041 Clarks Mtn. Road, Rapidan, VA 22733
- Russell Brear, 6337 Homework Drive, Culpeper, VA 22701
- Roderic Slayton, 6094 Blue Run Road, Somerset, VA 22972
- Bill Speiden, 12046 Blue Hill Drive, Somerset, VA 22972
- Randolph Williams, 9625 Tetley Drive, Somerset, VA 22972
- Robert Griffith, Fairview Farm, Somerset, VA 22972
- Steven Brooks, Montpelier Station, VA 22957
- David Perdue, 9161 Liberty Mills Road, Somerset, VA 22972
- Virginia Donelson, 12384 Merriewood Drive, Somerset, VA 22972
- Jim Collins, 12384 Merriewood Drive, Somerset, VA 22972
- Elizabeth Perdue, 9161 Liberty Mills Road, Somerset, VA 22972
- Elizabeth Heyl, 13488 Brookman Road, Somerset, VA 22972
- Rhodes Perdue, Somerset, VA 22972
- Kinsey Marable, 13121 Blue Ridge Turnpike, Somerset, VA 22972
- Barbara Parks, 23494 Village Road, Unionville, VA 22567
- Catherine Brooks, 13611 Belvedere Drive, Montpelier Station, VA 22957
- Don Skelly, 14184 Brookman Road, Somerset, VA 22972
- David Heyl, 13488 Brookman Road, Somerset, VA 22972
- Sara Somerville, Mt. Athos Drive, Montpelier Station, VA 22957
- Robert Grant, Glen Valley Farm 9306 Liberty Mills Road, Somerset, VA 22972
- Charles Seilheimer, Mount Sharon Farm, Orange, VA 22960
- Guy Blunden, 9145 Sunnybrook Drive, Sunnybrook Farm, Somerset, VA 22972
- Steve Colvin, 2000 S.B. Road, Barboursville, VA 22923

There being no one else wishing to speak, Chairman Frame closed the public hearing at 8:36 p.m.

Applicants, Evelyn and Kent Woods, commented in response to the public hearing comments and in support of their application for a Special Use Permit.

Supervisor Burkett commented that he felt the public hearing was representative of three different issues: (1) encouraging the creative use of farm land, (2) protecting the properties around the farm, and (3) issues with the language of select ordinances. He commented further that he wanted to follow the basic recommendation of the Planning Commission with a one year

limit, to give the Planning Commission and the Board of Supervisors time to evaluate the language of the zoning ordinance.

Supervisor Goodwin commented that progress happens and further stated that the roads in Orange County are owned by the Virginia Department of Transportation. Mr. Goodwin commented that he found the entire project quite reasonable but would recommend festivals being limited.

Supervisor Abbs commented that she had researched the situation, and she only had one resident that stated that they wanted the application approved as written, and that she had contacted every adjoining landowner, except for one. Mrs. Abbs stated that she hates what the situation has come to and that she wants to find a solution that works best for everyone, as it is obvious that the Woods' are interested in being a part of the Somerset community. She further stated that she is working with the Board of Supervisors to look into by-right uses for agricultural districts and that she wanted to continue to work with the Woods' as they continue with their business plan.

Supervisor Frame commented that he felt that the County Zoning Ordinance is not where he would like for it to be, which is to be able to provide better guidance to residents for requests such as this. Mr. Frame thanked Supervisor Abbs for her comments and the residents for their comments and stated that he felt that the evening had been very productive.

Mrs. Abbs made a motion based upon public necessity, convenience and general public welfare and good zoning practice to approve the SUP 11-01 for Kent and Evelyn woods, trading business as Liberty Mills Farm Real Estate, LLC subject to the following conditions; whereas all other conditions and recommendations will now become void:

Conditions

SUP 11-01, Liberty Mills Farm, LLC: To operate a Farm Market, as well as provide Associated
"Agriculturally-Based" Activities
Orange County T.M. # 41-18E

Date: April 6, 2011

Amended by Planning Commission: April 14, 2011

Amended by the Board of Supervisors: May 24, 2011

The conditions of this Special Use Permit shall apply to parcel Tax Map # 41-18E (the "Subject Property"), and compliance is the responsibility of the applicant, owners and assigns ("Applicant"). If the conditions of this special use permit or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved conditions, the more restrictive provisions shall apply, unless specifically modified, waived or otherwise specified by these conditions. Violation of these conditions, in whole or in part, shall be cause for revocation of the special use permit by the Board of Supervisors pursuant to §15.2-2309(7) VA Code Ann.

1. Controlling Documents:
Controlling documents shall be the conditions as set forth herein and materials submitted as part of the application for the special use permit.
2. Compliance:
Use and development of the Subject Property shall be in conformance with these conditions. The Zoning Administrator shall determine "conformance." The Applicant shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, and zoning permits.
3. Uses: (by-right uses shall not be denied by this special use permit and may be exercised)
 - a. Agriculturally based activities as set forth below:
Permitted Activities:

Hay Wagon Rides;
Antique Tractor Displays;
Hay bale mazes, corn pit, petting zoo (limited to farm animals which are pastured on the farm);
Day Retreat/Group Picnics;
Pumpkin Patch;
U-Pick operation;
CSA activities (Community Sponsored Agriculture) – weekly subscription of produce;
Corn maze to be operated during the months of September and October.

b. Farm Market use within a structure not exceeding 2000 square feet of retail space for the sale of the following permitted items:

Permitted Sales:

On-site grown fruits, herbs, and produce;
Meat, dairy, or eggs from livestock or poultry raised on-site
Jams, jellies, salsas, fruit butters, sauces made from on-site grown fruits, herbs and vegetables;
Food Products made from on-site grown fruits, herbs and produce, i.e. dried, frozen, canned, bottled;
Water, soft drinks, sport drinks;
Liberty Mills Farm (“LMF”) logo products such as t-shirts, hats, sweatshirts, postcards, shopping bags;

4. Signage for the use shall be in accordance with the rules and regulations contained in the Orange County Zoning Ordinance.
5. Performance Standards:
 - a. Lighting Requirements:
The parking area will not be lit, except for the security light on the south side of the building as specified on the plat that was submitted with the Application.
 - b. Hours of Operation
Tuesday – Saturday: 9:00 a.m. – 6:00 p.m.
Sunday: 11:00 a.m. – 5:00 p.m.

September and October
Tuesday – Thursday: 9:00 a.m. – 6:00 p.m.
Friday – Saturday: 9:00 a.m. – 9:00 p.m.
6. No overnight camping events may occur on the premises related to Liberty Mills Farm, LLC farming enterprise. (This does not include non-commercial camping events of the landowner.)
7. Applicant shall coordinate with the Building Department to provide adequate restroom facilities to accommodate the public.

Mr. Burkett seconded the motion with the following amendment: the SUP would be granted for a term of one year and re-evaluated for necessity at such time of expiration. Mrs. Abbs seconded the amendment. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

Mr. Burkett asked that the Planning Commission members present convey to the Planning Commission the Board’s desire for the zoning ordinance language to be reviewed.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 8:54 p.m. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.