

BOARD OF SUPERVISORS MINUTES

SEPTEMBER 14, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 14, 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, Chairman; S. Teel Goodwin, Vice-Chairman; Shannon C. Abbs; Zack Burkett; and Grover C. Wilson. 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 modified.
Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Sheriff	Forfeited Assets	\$ 569.84	Forfeited Assets DCJS
Subtotal Sheriff		\$ 569.84	
Library	Data processing	\$ 11,348.90	Rebate, Verizon
Subtotal Library		\$ 11,348.90	
	Total this request	\$ 11,918.74	
	Total Year to Date	\$ 61,752.18	

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
Parks and Rec	Vehicle Insurance	OOY	Vehicle Insurance	550.00 A
Parks and Rec	Vehicle Supplies	OOY	Vehicle Supplies	1,000.00 A

A - The vehicle used in Parks and Recreation was for the child care division which has moved to the Office on Youth.

RE: BUDGET AMENDMENT TO CARRY FORWARD FUNDS

The Board approved the following amendments to the FY2011 County budget as requested:

- \$14,827.83 – Forfeited Assets;
- \$1,474.04 – Planning & Zoning: Part-time Wages;
- \$10,145 – Sesquicentennial Event; and
- \$740.00 – Electoral Board.

RE: RESOLUTION – DISASTER RELIEF FOR DROUGHT

The Board approved the following resolution as presented:

DISASTER RELIEF FOR DROUGHT CONDITIONS

WHEREAS, the extreme heat and drought conditions from April 1, 2010, to August 15, 2010, that included a 41% deficit of rainfall and temperatures 6% above average with eight days above 95 degrees adversely affected the agricultural economy of Orange County; and

WHEREAS, because of the drought conditions agriculture producers in Orange County have experienced yield reductions by 50% to 75% in pasture, hay, corn yields, and soybean yields; and

WHEREAS, many local agriculture producers have had to feed part of their winter feed supplies due to the drought and heat effects; and

WHEREAS, because of said drought conditions, Orange County is eligible to receive disaster relief to help alleviate any undue hardship upon the agriculture economy of Orange County.

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors does hereby formally request the Governor of the Commonwealth of Virginia to designate Orange County to be among any other counties in the Commonwealth of Virginia officially declared for disaster relief due to severe weather conditions.

RE: RESOLUTION – VIRGINIA EMERGENCY PREPAREDNESS MONTH

The Board approved the following resolution as presented:

NATIONAL PREPAREDNESS MONTH

WHEREAS, September is National Preparedness Month, a time set aside to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, and communities; and

WHEREAS, the Commonwealth of Virginia has suffered both natural disasters and human-caused emergencies that have resulted in tragic loss of life and property, including the terrorist attack on the Pentagon September 11, 2001; and

WHEREAS, nearly three out of four Virginia residents do not have four essential supplies on hand to help during emergencies, with those supplies consisting of a family emergency plan, three days' food that won't spoil such as canned and packaged foods, three days' water amounting to one gallon per person per day, and a hand-crank or battery powered radio and extra batteries to hear emergency information; and

WHEREAS, those who are at least minimally prepared for emergencies recover faster

and can help others who also may be affected, demonstrating community spirit in the face of adversity; and

WHEREAS, emergency preparedness is a shared responsibility, and every family that is able should prepare to be self-sufficient for the first 72 hours after disaster strikes; and

WHEREAS, the shores of the Chesapeake Bay and the Atlantic Ocean and rolling and mountainous terrain put our Commonwealth at risk each year for the damaging effects of both offshore and inland hurricanes and tropical systems; and

WHEREAS, historically September begins the prime season for the threat of tropical systems and flooding throughout Virginia;

NOW, THEREFORE, we, the Orange County Board of Supervisors, do hereby recognize September 2010 as NATIONAL PREPAREDNESS MONTH in our COMMONWEALTH OF VIRGINIA, and encourage all citizens to be ready by taking steps to prepare for emergencies at home, at work and in our communities.

RE: MINUTES

The Board approved the August 10, 2010 Regular Meeting Minutes as presented.

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS

Chairman Frame presented service awards to the following employees for their dedicated service to Orange County:

- Peggy McDaniel, E911 Communications Officer, 10 years;
- Nicholas Kennedy, Assistant Building Inspector, 5 years; and
- Ashleigh Spencer, Gordon Barbour Child Care Aide, 5 years.

RE: VDOT UPDATE

Brent Sprinkle, Assistant District Administrator, updated the Board on the status of various road projects within Orange County. He introduced Marshall Barron, Transportation and Land Use Director, and stated that Mr. Barron would now be the point of contact for the Board.

RE: ELECTORAL BOARD UPDATE

Marty Caldwell, Electoral Board Secretary, updated the Board on the following: the Electoral Board's role with redistricting; the need for additional Election Officials; the "phasing in" of new voting machines; upcoming elections; budget cuts (State and County); and the need to have the entrance door into the Sedwick Building in compliance with the Americans with Disabilities Act (ADA).

RE: COMMUNITY BULLETIN BOARD

Brenda Ward explained that there is a need for a community bulletin board in Orange County which would display information including: job opportunities and various forms of assistance to those in need.

Discussion ensued including: the proposed location; who would screen the information; and who would maintain the information.

By consensus, the Board requested that the County Administrator contact the Director of Social Services to determine the resources/space available; the criteria for advertising; and maintenance of the information.

RE: TOURISM QUARTERLY REPORT

Lynne Lochen, Tourism Director, briefed the Board on the Tourism Department's quarterly activity and gave an update on the Sesquicentennial.

RE: ACTION ITEMS

RE: PROPOSED ADDENDUM TO SOLID WASTE FEE SCHEDULE

Kurt Hildebrand, Director of Public Works, reported that since the adoption of the fee schedule for solid waste disposal, it appears that an adjustment is needed concerning small loads of material that generate minimal fees. He indicated that staff has discussed this matter with the Solid Waste Committee and suggests the consideration of the following options:

- A minimum charge (to be determined) to cover small loads brought to the landfill;
- The waiver of fees for a specific minimum weight of materials.

Mr. Hildebrand stated that it has been suggested that if the fees are to be waived, the threshold to trigger a "no charge" would be 100 pounds or less. He concluded by saying that staff is requesting guidance from the Board regarding the fee schedule and whether changes need to be made.

Mr. Frame moved, seconded by Mr. Wilson and carried, to approve an addendum to the Solid Waste Fee Schedule to waive fees for loads weighing 200 pounds or less. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: BARBOURSVILLE PAVING PROJECT

Kurt Hildebrand, Director of Public Works, reported that he had received a base bid from S. L. Williamson Company for the proposed Barboursville Paving Project in the amount of \$20,950. He indicated that the base bid includes: cleaning up existing parking lot, patching holes, removing overgrown grass in middle of parking lot, and adding stone base as necessary to build up low areas. He noted that the bid also included two different options for surface treatment on the main parking area and the entry road parking area.

Discussion ensued regarding: the different options and the procurement process.

Action on this issue was tabled until later in the meeting.

RE: DOWNZONING REQUEST FROM TOR STROM

Debbie Kendall, Interim Planning Director, stated that the Planning and Zoning Department has received a request for downzoning property. The parcel in question is the site of Wargames Paintball, which was issued a Special Use Permit by the County in 2004. Approximately six acres of the parcel, which is located on Route 20 near Mine Run creek, was zoned to General Commercial (C-2) in 1995 with a proffer that limits the use of the property to mini-storage warehouses. Tor Strom, the current owner of the property, would like to have the six acre portion downzoned to Agricultural and remove the proffer limiting the use of the property so that he can continue to use the property for his paintball venture as originally planned. Mrs. Kendall concluded by saying that pursuant to recent action taken by the Board, this request is

being provided for its consideration before being processed by the Planning and Zoning Department.

By consensus, the Board directed Mrs. Kendall to proceed with Mr. Strom's application for downzoning through the usual process.

RE: RESTRUCTURE OF GORDONSVILLE LIBRARY

Katie Hill, Library Director, requested a restructuring of the positions at the Gordonsville Branch Library which would standardize the position descriptions used at the other library locations and to better manage staffing needs.

Discussion ensued including: budget implications; and the number of patrons served in the new library versus the old library.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to change the part-time positions at the Gordonsville Branch Library from a classification of Library Assistant, Grade 6 to a classification of Library Aide, Grade 2; to change the classification of the Gordonsville Branch Manager, Grade 11 position to a Grade 18 Branch Librarian position; and to also transfer funds necessary to cover salary and benefit expenses, not to exceed \$7,500 from 73120-1322 - Gordonsville part-time wages to 73120-1111 - Gordonsville salaries. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PROPOSED REVISIONS TO PERSONNEL POLICIES TO CHANGE LEAVE PAY OUT PROVISIONS

Ms. Jordan stated that employees who leave the County frequently desire to obtain their final paycheck as soon as possible. Often this can be done without changing County processes. She stated that the proposed Personnel Policy revisions make this option available when it is practically possible.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution approving revisions to Personnel Policies 5.1, 5.2 and 6.1, as presented:

AMEND PERSONNEL POLICIES

WHEREAS, the County Administrator has recommended that the Personnel Policies be amended to permit a separated employee to receive payment for unused sick and annual leave the same month as separation when that is practically possible; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby amend Personnel Policies 5.1 – Annual Leave, 5.2 – Sick Leave and 6.1 – Termination/Separation from Service, as presented.

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

RE: FEE WAIVER REQUEST – CHARLES RICHARDS

Ms. Jordan stated that Charles Richards hand delivered a letter requesting a waiver of landfill fees as he has been cited by the Planning and Zoning Office for excess refuse at his property which has spilled onto County property. He is seeking a waiver for the disposal of the trash and refuse. Ms. Jordan concluded by saying that Supervisor Wilson voiced support through herself for the waiver request.

Mr. Wilson moved, seconded by Mr. Burkett to approve a waiver request from Charles R.

Richards for Landfill fees, in association with the citation received by the Planning and Zoning Office, for excess refuse at his property that has spilled onto County property. Ayes: Burkett, Wilson. Nays: Abbs, Goodwin, Frame.

RE: ANIMAL SHELTER – RSA FEE FOR EQUIVALENT DWELLING UNITS (EDU’S)

Ms. Jordan stated that when the Animal Shelter was constructed, an estimated figure for water usage was provided to the Rapidan Service Authority (RSA). The Equivalent Dwelling Units (EDU’s) determined at that time was three. The RSA tracks water usage against the initial estimates to determine if the estimate was accurate. When the figure is underestimated, an invoice is provided to the user to bring the account current. Given the actual readings, it is clear that the estimate for the Animal Shelter was underestimated. She reported that a number of events at the Animal Shelter delayed the imposition of the additional fee for being over the estimated EDU’s over the past two years. She concluded by saying that since the operations have reached a constant level and the issues have been resolved, RSA has requested that the County cover the deficit of \$10,000. Ms. Jordan stated that, at this time, there are no surplus funds in the Animal Shelter’s budget or the Department of Public Works budget to cover a fee this large. It is the recommendation of staff that this fee be paid from the FY10 contingency fund. She indicated that the balance in the account is \$42,238.14 and taking \$10,000 would leave \$32,238.14 to be swept into the General Fund.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the payment of \$10,000 to the RSA for one additional EDU’s of water usage for the Animal Shelter. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Supervisor Burkett nominated himself to serve as one of the District Two representatives on the Library Board for a four year term, with said term expiring June 30, 2014. Ayes: Burkett, Goodwin, Wilson, Frame. Nays: Abbs.

RE: DISCUSSION ITEMS

RE: GENERAL RELIEF FUNERALS

Ms. Jordan reported that she has been working with local funeral homes to arrive at a uniform process and cost for the care of indigent remains. She indicated that staff and representatives from Social Services, Preddy Funeral Home, Satchel Funeral Home, and Johnson Funeral Home met and determined the uniform price for the County is \$1,400.00. Ms. Jordan indicated that additional information regarding a proposed policy would be forthcoming.

By consensus, the Board requested that a separate budget item be established for tracking purposes.

RE: ACTION ITEMS CONTINUED

RE: BARBOURSVILLE PAVING PROJECT

Ms. Pandak stated that the proposed Alternate 1 to the base bid from S. L. Williamson Company was described as a change order; however, it is not a change order. Therefore, the price would have to be reduced.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to approve the base and alternate bids for the proposed paving project if under \$30,000. However, if not under \$30,000, then only approve for the base work to be done. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame.

Nays: None.

RE: CLOSED MEETING AUTHORIZATION

At 5:35 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:

- Acquisition of real property and interests therein for a public purpose and use of public property where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the public body and legal advice related thereto (§§2.2-3711.A. 3 and 7 VA Code Ann.);
- *Friends of Wilderness Battlefield, et al. v. Board of Supervisors of Orange County*, CL090000240 (§2.2-3711.A.7 VA Code Ann.);

WHEREAS, pursuant to §§2.2-3711.A. 3 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. Goodwin and carried, to approve the resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:00 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: PUBLIC COMMENT

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

- Nancy Arnold, 212 Monument Road, Locust Grove, commented on Sheltering Arms Homeless Shelter;
- Art Magner, 22161 Berry Run Road, Orange, comment on horse trails; and
- David Lamb, 17110 James Madison Highway, Gordonsville, commented on horse trails.

There being no additional speakers, public comment was closed.

RE: BOARD COMMENT

Chairman Frame commented on letters that he had received from Mathews County and Sam Elswick.

RE: DISCUSSION ITEMS CONTINUED

RE: EMS BATTERING RAM (INCIDENT RESPONSE TRUCK)

Supervisor Burkett commented on a recent accident on Route 20 which closed both lanes of traffic for several hours awaiting a tow truck. He indicated that he had asked Lt. Col. Tim Murphy of the Orange County Sheriff's Office to try to obtain a quote for this type of vehicle for the purpose of discussion at a cost of approximately \$48,000. He asked if the Board was interested in pursuing this type of vehicle.

By consensus, the Board asked the County Administrator to contact Sheriff Amos to determine his interest in obtaining this type of vehicle, and if so, it should be included in the Capital Improvements Plan submission.

RE: SHELTERING ARMS FUNDING

Chairman Frame commented on the funding needs at Sheltering Arms Homeless Shelter which had been mentioned earlier in the meeting. He suggested that the Board send a letter to the other localities requesting them to consider adding a line item in their budgets to help support the shelter.

By consensus, the Board asked staff to draft a letter for the Chairman's signature and mail.

RE: PROPOSED DATE FOR PUBLIC HEARING OF PARENT TRACT

Supervisor Goodwin stated that a public hearing needed to be scheduled regarding proposed revisions to the Subdivision Ordinance regarding Parent Tract definition.

Mrs. Abbs voice concern that the Planning Commission was not given time to discuss the matter prior to it going to a public hearing.

Discussion continued following the public hearing.

RE: PUBLIC HEARINGS

RE: SUP 10-03: COMMUNITY WIRELESS STRUCTURES, LLC

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:

SUP 10-03: Community Wireless Structures, LLC, on behalf of the National Trust for Historic Preservation and The Montpelier Foundation, is requesting a special use permit to construct a 140' telecommunications mono-pine tower plus a 5' lightning rod and associated fenced compound within a 40' x 90' lease area. The Orange County Zoning Ordinance Sec. 70-876 requires the issuance of a special use permit for any new telecommunications facility. The proposed site is located on lands belonging to the National Trust for Historic Preservation in a woodlot adjacent to the Steeplechase Barn off of Back Drive. The property is located at 11455 Back Drive, approximately 0.20 mile south of the intersection of Montpelier Road (Rt. 641) and Constitution Highway (Rt. 20). The 1,801.79 acre property is zoned Agricultural (A), and is identified on Orange County tax maps as parcel 42-25.

Deborah S. Kendall, Interim Planning Director, gave the staff report. She concluded by saying that the Planning Commission recommends approval of the application, subject to the

conditions proposed by staff dated July 16, 2010, and as amended by the Planning Commission on August 5, 2010.

John J. "Butch" Davies, attorney for the applicant, spoke in support of the application. Tam Murray of Community Wireless Structures, voiced support of the application and answered questions from the Board.

Chairman Frame opened the floor for public comment. Steve Yelton, 15620 Burnley Road, Barboursville, voiced opposition to the application.

Chairman Frame closed the public hearing at 7:47 p.m.

Michael Quinn, President of the Montpelier Foundation, stated that the Foundation is promoting the tower construction and that the Historic Trust approved the request.

Mr. Burkett moved to defer the decision on the Special Use Permit application. Mr. Frame seconded the motion. Ayes: Burkett, Frame. Nays: Abbs, Goodwin, Wilson.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to approve the Special Use Permit application as conditioned and amended by the Planning Commission. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: RECESS

The Board took a short recess at 8:15 p.m. and reconvened at 8:25 p.m.

RE: PUBLIC HEARINGS

RE: CPA 10-01 AND REZ 10-01

At 8:25 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

CPA 10-01: The Piedmont Environmental Council is requesting an amendment of the "Future Land Use Map 2025" of the Orange County Comprehensive Plan to change the future land use designation of two tracts totaling 268.388 +/- acres from Residential to Agricultural. The properties are located at 13465 Spicer's Mill Road (Rt. 633) on the north side of Rt. 633, approximately 1.25 miles west of the intersection of Rt. 633 and North Madison Road (Rt. 15). The properties are identified on Orange County tax maps as parcels 28-37 and 28-10B; and

REZ 10-01: The Piedmont Environmental Council is requesting to downzone approximately 264.762 +/- acres from Limited Residential (R-1) to Agricultural (A). The property is located at 13465 Spicer's Mill Road (Rt. 633) on the north side of Rt. 633, approximately 1.25 miles west of the intersection of Rt. 633 and North Madison Road (Rt. 15). The property is identified on Orange County tax maps as parcel 28-37.

Deborah S. Kendall, Interim Planning Director, gave the staff report. She concluded by saying that the Planning Commission recommends approval of the Rezoning application as presented and to change the Future Land Use designation of two tracts, known as Tax Map #28-37 and 28-10B, totaling approximately 268.388 acres from Residential to Agricultural.

At 8:39 p.m., Chairman Frame opened the floor for public comment. The following individuals commented:

Randolph Miller, 13506 Spicers Mill Road, Orange; Terry G. Lunsford, 14125 Spicers Mill Road, Orange; Ben Sherman, 105 North Madison Street, Orange; Art Wagner, 22161 Berry Run Road, Orange; David Lamb, 17110 James Madison Highway, Gordonsville; Chuck Mason, 133 Blue Ridge Drive, Orange; V. R. Shackelford III, PO Box 871, Orange; and Randy Soderquist, 7209 Locust Dale Road, Locust Dale.

There being no additional speakers, Chairman Frame closed the public hearing at 9:06 p.m.

Mr. Burkett moved to grant the downzoning and amend the Comprehensive Plan. The motion died for lack of a second.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to delay action on the proposed Rezoning application and Comprehensive Plan Amendment to the October 12, 2010 Board meeting. Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: DISCUSSION ITEMS CONTINUED

RE: PROPOSED DATE FOR PUBLIC HEARING OF PARENT TRACT

Mrs. Abbs respectfully requested that the Planning Commission be allowed to thoroughly review and discuss the proposed amendments to the Parent Tract definition.

Mr. Burkett moved to schedule the public hearing on October 12, 2010. Mr. Wilson seconded the motion. Ayes: Burkett, Wilson. Nays: Abbs, Goodwin, Frame.

Following a brief discussion, Mr. Goodwin moved to schedule a public hearing for October 26, 2010, which would allow the Planning Commission time to review the revisions and make comments to the Board. Mr. Burkett seconded the motion. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report
- Finance Quarterly Report
- Letter from the Central Virginia Regional Jail regarding approved budget amendments for FY10 -11

RE: COMMITTEE REPORTS

Chairman Frame updated the Board on the Solid Waste Subcommittee. He stated that reports had been received from the Department of Environmental Quality (DEQ) and the Army Corps of Engineers requiring wetlands mitigation.

RE: CALENDAR

The Board received copies of its calendar for the months of September, October, and November 2010.

By consensus, the Board appointed Mr. Goodwin to serve as the voting delegate at the annual VACo Conference and Mrs. Abbs as the alternate.

By consensus, the Board directed staff to send a letter of thanks to Mort Kunstler for the generous portrait donation he made to the County.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 9:39 p.m. Ayes: Abbs, Burkett, Goodwin, Frame, Wilson. Nays: None.