

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 12, 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.

**Supervisor Wilson entered the meeting at 4:20 p.m.*

RE: ADOPTION OF AGENDA

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

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
Animal Shelter	Emergency Vet	\$ 1,097.75	Donations
Subtotal Animal Shelter		\$ 1,097.75	
Library	Audio/Visual Equipment	\$ 122.00	Miscellaneous
Subtotal Library		\$ 122.00	
Total this request		\$ 1,219.75	
Total Year to Date		\$ 67,500.44	

RE: MINUTES

The Board approved the following minutes as presented:

- August 17, 2010 Comprehensive Plan Worksession;
- August 24, 2010 Regular Meeting; and
- September 21, 2010 Comprehensive Plan Worksession.

RE: VDOT RESOLUTION REQUESTING TO ADD LAND'S END COURT, ST. RTE. #1071 AND LAND'S END DRIVE, ST. RTE. #1070 TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

The Board approved the following resolution as presented:

VDOT RESOLUTION FOR LAND'S END COURT AND LAND'S END DRIVE

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Orange County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the

secondary system of state highways, pursuant to {33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

Project: Lands End on Lake Anna

Type Change to the Secondary System of State Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street
Pursuant to Code of Virginia §33.1-229

Street Name and/or Route

▶ Land's End Court, State Route Number 1071
Old Route Number: 0

• From: From Rte. 1070
To: 0.09 Mi. S. of Rte. 1070, a distance of: 0.09 miles.
Right of Way width (feet) = 50 Feet

▶ Land's End Drive, State Route Number 1070
Old Route Number: 0

• From: From Rte. 612
To: 1.18 Mi. S. of Rte. 612, a distance of: 1.18 miles.
Right of Way width (feet) = 50 Feet

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

RE: PUBLIC APPEARANCES

RE: RECOGNITION OF EMPLOYEE OF THE MONTH

Tom Joyce, Assistant Chief of Operations with the Fire and EMS Department, was recognized as the Employee of the Month for October, 2010.

RE: PRESENTATION OF SERVICE AWARDS

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

- Sandra Carey, Locust Grove Middle School Child Care Supervisor, 5 years;
- Angela Roach, Locust Grove Middle School Child Care Supervisor, 5 years; and
- Virginia Strong, Orange County Sheriff's Office Animal Control Officer, 10 years.

RE: RAPPAHANNOCK RIVER BASIN UPDATE

Eldon James, Coordinator for the Rappahannock River Basin Commission, gave a brief history of the Rappahannock River Basin Commission. He reported that the Commission currently focuses much attention to non-point source pollution, which accounts for over 90% of the nutrient pollution in the basin and how to encourage policies that promote individual choices that improve water quality including market-based approaches.

Discussion ensued including: waste water; stormwater run-off; agricultural run-off; and on-site septic systems (alternative and conventional).

RE: ACTION ITEMS

RE: 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. (Public hearing held on September 14, 2010, vote tabled to October 12, 2010.)

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

CPA 10-01 - AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP TO DESIGNATE TAX MAP NOS. 28-37 and 28-10B AGRICULTURAL

WHEREAS, the Piedmont Environmental Council has applied for an amendment to the 2006 Comprehensive Plan Future Land Use Map to change the proposed land use designation of Tax Map Nos. 28-37 and 28-10B, totaling +/-268.388 acres, from Residential to Agricultural; and

WHEREAS, this proposed amendment has been advertised and a public hearing has been held, and on September 28, 2010, the Board of Supervisors deferred action; and

WHEREAS, the Department of Planning and Zoning and Planning Commission have recommended approval of this amendment to the Comprehensive Plan; and

WHEREAS, public necessity, convenience, general welfare, and/or good land use practice support approval of this plan amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby amend the 2006 Comprehensive Plan Future Land Use Map to change the land use designation of Tax Map Nos. 28-37 and 28-10B from Residential to Agricultural.

Ayes: Abbs, Burkett, Frame. Nays: Goodwin, Wilson.

RE: 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. (Public hearing held on September 14, 2010, vote tabled to October 12, 2010.)

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

REZ10-01 - REZONE PIEDMONT ENVIRONMENTAL COUNCIL PROPERTY,
TAX MAP NOS. 28-37

WHEREAS, the Piedmont Environmental Council has asked the Orange County Board of Supervisors to rezone its property with Tax Map No. 28-37, totaling +/- 264.762 acres, from Limited Residential (R-1) to Agricultural (A); and

WHEREAS, the Board of Supervisors initiated this rezoning and advertised and held a public hearing on the proposed rezoning, and on September 28, 2010, the Board of Supervisors deferred action; and

WHEREAS, this rezoning is consistent with the Comprehensive Plan land use designation of the land as Agricultural; and

WHEREAS, the Department of Planning and Zoning staff and Planning Commission have recommended approval of the rezoning; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approve REZ10-01 and rezone Tax Map No. 28-37 from Limited Residential (R-1) to Agricultural (A).

Ayes: Abbs, Burkett, Goodwin, Frame. Nays: Wilson.

RE: PROPOSED ORDINANCE AMENDMENT – TAX RELIEF FOR THE ELDERLY

Donna Chewning, Commissioner of the Revenue, presented to the Board a request to change the Tax Relief for the Elderly Ordinance 58.133.(d) for 2011 to reflect income of nonrelatives residing in the dwelling income to be included in the total combined income section of the application. Ms. Chewning stated that last year they found many applicants have others, many times multiple individuals that are not relatives residing in the dwelling that do have income.

The Board approved the following resolution as presented:

AUTHORIZE PUBLIC HEARING ON PROPOSED AMENDMENT TO TAX RELIEF FOR THE ELDERLY AND DISABLED ORDINANCE

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed amendments to Chapter 58 of the County Code. Taxation. § 58-133: Qualifications for grant of exemption;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing to consider adoption of the proposed § 58-133 of the County Code.

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

RE: ORANGE YOUTH SPORTS FOUNDATION – REQUEST FOR BASEBALL FIELD DRAG

Ms. Jordan stated that the Orange Youth Sports Foundation has requested that the County purchase a baseball field drag for use at the Orange Sports Complex at Booster Park. She indicated that a cursory search for a drag had been done with a range of costs for the equipment. Ms. Jordan reported that the current balance in the Booster Park account totals \$15,651.87 as of September 24, 2010. She concluded by saying that, if the Board is inclined, staff can get more information on the type of drag desired and the cost.

The Board took no action at this time.

RE: TRAIL PLANNING

Debbie Kendall, Interim Planning Director, reported that staff had met with Art Magner of Breckenridge Carriage and David Lamb of Oakland Heights Farm to discuss the planning for trail development in the County. The meeting occurred in response to their expressed desire for the specific development of a trail from Willow Grove Inn to Montpelier. Mrs. Kendall indicated that staff would like to work with Mr. Lamb and Mr. Magner to facilitate the creation of a trail development plan for the Willow Grove Inn-Montpelier Trail that would then be incorporated into the County's Comprehensive Plan. She explained that the proposed trail planning effort would be

the first step toward the development of an overall plan for the County. Mrs. Kendall stated that staff envisions the creation of a steering committee that would consist of local trail enthusiasts, appropriate County and Town staff and representatives from Montpelier and Willow Grove Inn. The Committee would meet to set forth the specifics of trail development to include: trail location, construction, and maintenance; recommendations for property owner incentives for trail easements, and funding for trail development. She indicated that the information could be written in plan form for the Board to consider incorporating into the revised Comprehensive Plan. Having such information in the Comprehensive Plan will enable the County and others to obtain grant funding for trail development as it becomes available.

By consensus, the Board requested that staff present a list of proposed members for its consideration to serve on a Steering Committee to review the possibility of trails in Orange County.

RE: AIRPORT TERMINAL FURNITURE

Kurt Hildebrand, Director of Public Works, explained that the Airport Terminal Project is progressing and will likely be completed in late November. He stated that new furnishings are part of this project, as indicated in the County CIP. Mr. Hildebrand stated that staff and the project consultants have chosen the desired furniture, presented the plan to the Department of Aviation (DOAV) and have received approval and grant funding. He indicated that the total cost for furnishings is \$47,790. There is no local match as it is funded 100% by the DOAV Grant. However, per the Orange County Procurement Policy, staff is required to seek Board approval before the purchase can be made. He concluded by saying that staff recommends that the furniture order be placed so that delivery can occur within the expected late November building completion.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute a purchase agreement with Mid-Atlantic Interiors (M.O.I) in the amount of \$47,790.00. This purchase will be funded 100% by DOAV Grant CS0037-17. 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: PROPOSED REPLACEMENT OF DOOR AT THE SEDWICK BUILDING – ADA COMPLIANCE

Kurt Hildebrand, Director of Public Works, explained that Marty Caldwell, Electoral Board Secretary, requested that consideration be given to installing an automatic door at the entrance to the Sedwick Building to accommodate handicap access. He reported that the cost to furnish and install a Low Energy Swing Door Unit will cost \$2,323.00.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to proceed with installation of an automatic door at the entrance of the Sedwick Building. Complete installation cost not to exceed \$2,323.00. This cost is to be funded from line item # 043200-3310. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: FEE WAIVERS

John Sieg, Interim Finance Director, stated that the Board has recently begun to see a number of requests from a variety of non-profit/charitable organizations to support projects undertaken in the County by waiving fees and service charges it would normally require for the services it provides. He briefly reviewed an accounting policy for recording approved fee waivers and an outline for discussion of the budget issues they present including: accounting for fee waivers; budgeting for fee waivers; and non-General Fund fee waivers.

Discussion ensued including: expense item classification; additional funds if necessary to approve a request; proposed revenue increase to the landfill and a contribution out; contingency fund to cover contributions; and where the contribution line item should be located.

RE: RECESS

The Board recess at 5:30 p.m. for dinner and reconvened in open meeting at 7:00 p.m.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment.

Keith Marshall commented on the downzoning of his property.

There being no further speakers, Chairman Frame closed Public Comment.

RE: AMENDMENT OF THE AGENDA TO ADD DISCUSSION ITEM 7G: INITIATE REZONING

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to amend the agenda to add discussion item 7G – Initiate Rezoning. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame.

RE: DISCUSSION ITEMS CONTINUED

RE: INITIATE PROPOSED AMENDMENTS TO SECTION 70-192 OF THE ZONING ORDINANCE

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the following resolution to initiate proposed amendments to Sec. 70-192 of the Zoning Ordinance:

MOTION TO INITIATE PROPOSED AMENDMENTS TO
SEC. 70-192 OF THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors desires to consider amending Sec. 70-192 of the Zoning Ordinance to remove language which provides for a reversion of certain rezonings to a previous zoning if a subdivision or site plan is not submitted and the use diligently pursued within five (5) years; and

WHEREAS, the County Attorney has advised that such reversion is not authorized by the Virginia Code, and may improperly affect property rights; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support initiation of the proposed change to the Zoning Ordinance, and review and recommendation by the Planning Commission of this change;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby initiate the attached proposed amendments to Sec. 70-192 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Board requests the Planning Commission to advertise and hold a public hearing on these proposed changes and make a recommendation to the Board.

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

RE: INITIATE PROPOSED REZONING OF THE MARSHALL PROPERTY

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution to initiate proposed rezoning of the Marshall property – Tax Map No. 33-57:

MOTION TO INITIATE PROPOSED REZONING OF THE
MARSHALL PROPERTY – TAX MAP NO. 33-57

WHEREAS, the Board of Supervisors has initiated amendments to Sec. 70-192 of the Zoning Ordinance to remove language which provides for an automatic reversion of certain rezonings to a previous zoning if a subdivision or site plan is not submitted and the use diligently pursued within five (5) years because the County Attorney has advised that such reversion is not authorized by the Virginia Code, and may improperly affect property rights; and

WHEREAS, Keith Marshall owns property located at the intersection of Rts. 522 and 20, designated as Tax Map No. 33-57, which was rezoned Commercial (C-1) by the Board pursuant to Sec. 70-192, which zoning was automatically reverted to Agricultural (A) as a result of his failure to file a site plan and diligently pursue development within five (5) years; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support initiation of the proposed rezoning of the Marshall property back to Commercial (C-1), and review and recommendation by the Planning Commission on this rezoning;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby initiate rezoning of the Marshall property Tax Map No. 33-57 from Agricultural back to Commercial (C-1) to rectify the automatic reversion; and

BE IT FURTHER RESOLVED that the Board requests the Planning Commission to advertise and hold a public hearing on this proposed rezoning and make a recommendation to the Board.

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

RE: LED FLASHING SIGNS

Mr. Goodwin stated that Kenny Dotson would like install an LED flashing sign on his property. Currently, the County ordinance doesn't allow for lighted signs. Therefore, Mr. Goodwin would like to clean up the language in the ordinance to allow for technology.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to request the Planning Commission to review the sign ordinance and make recommendations regarding lighted signs, LED signs, and related types of signs. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: COMMITTEE REPORTS

Mrs. Abbs updated the Board on the Orange Youth Sports Foundation including: inspection of football equipment; liability insurance coverage replacement value on the buildings; and youth football is being played at the schools as there is better opportunity for concession sales.

RE: CALENDAR

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

RE: BOARD COMMENT

Chairman Frame questioned whether the Board was interested in including tax deductible contribution forms for Dogwood Village in the tax bills. No action was taken.

RE: CLOSED MEETING AUTHORIZATION

At 7:46 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:

- Discussion of a potential agreement regarding use of real property, and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §2.2-3711.A.1, A.7 VA Code Ann., such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 8:50 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. Goodwin moved, seconded by Mr. Burkett and carried, to approve the Closed Meeting Certification resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 8:51 p.m. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.