

BOARD OF SUPERVISORS MINUTES

OCTOBER 26, 2010

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 26, 2010 beginning at 7:00 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. Absent: None. Also present: Julie 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 presented. 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 items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Sheriff	DMV Expenditures	\$ 23,150.00	DMV Grant
Sheriff	Supplies	\$ 45.50	Miscellaneous Revenue
Subtotal Sheriff		\$ 23,195.50	
Clerk of the Court	TTF Expenditures	\$ 23,037.00	Comp Board Revenue
Subtotal Clerk of the Circuit Court		\$ 23,037.00	
Total this request		\$ 46,232.50	
Total Year to Date		\$ 113,732.94	

RE: MINUTES

The Board approved the minutes of September 14, 2010 Regular Meeting and September 28, 2010 Regular Meeting as presented.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

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

RE: BOARD COMMENT

Mrs. Abbs stated that the Joint Public Hearing that was held earlier with the Towns of Orange and Gordonsville was not user friendly. In the future, schedule should be convenient for everyone and not just the County.

RE: ACTION ITEMS

RE: TAX RELIEF FOR THE ELDERLY

Donna Chewing, Commissioner of the Revenue, briefly reviewed the qualifying

requirements of the current Tax Relief for the Elderly and Handicapped Ordinance including: ownership; one owner must be 65 or over or permanently and totally disabled; gross income; net worth; and be the sole dwelling of the owner.

Discussion ensued including: owners other than husband and wife; difficulties associated with different categories; what surrounding localities are doing; marital status; and the cost to the County.

By consensus, the Board directed staff to draft language to remove the spousal requirement in the proposed ordinance amendment for the purpose of discussion and consideration at the public hearing scheduled for December 14, 2010.

RE: SUPPLEMENTAL APPROPRIATION FOR HEAD START AND STATE FISCAL STABILIZATION FUNDS

Amy Rankin, Accountant, stated that the School System had submitted a Supplemental Appropriation for Head Start and State Fiscal Stabilization Funds for the Board's consideration. Mrs. Rankin reported that these requests were approved by the School Board at its October 5, 2010 Board Meeting.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to recognize \$14,667 of American Recovery and Reinvestment Act revenue and to appropriate the same to the School Head Start Fund and to recognize \$503,725 of State Fiscal Stabilization (ARRA) revenue and to appropriate the same to the School Operating Fund. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ENHANCED 911 RECORDING UPGRADE

Gene Stewart, E911 Manager, explained that the recording system in the 911 Center is nearing its last year of service. He reported that software for this system will not be recognized and parts are becoming difficult to find for repairs. Mr. Stewart asked the Board's permission to apply to the Virginia Wireless E-911 Services Board PSAP Grant Program for a grant covering 80% of the cost with a local match of 20%.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to proceed with applying to the Virginia Wireless E-911 Services Board PSAP Grant Program for a matching grant (80% with 20% local match) to purchase a recording upgrade for the E911 Center. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PETSMART CHARITIES GRANT

Ms. Jordan stated that in May, 2010, the Animal Shelter Director had submitted a grant application to PetSmart Charities to obtain funds to replace resting benches and stainless steel cat cages at the Shelter. She noted that the grant required no matching funds from the County. Ms. Jordan happily reported that the grant had been approved and explained that in order to accept the grant; the Board must take formal action to enter into the Grant Agreement. She concluded by saying that the County Attorney has reviewed and approves the agreement.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to execute the Grant Agreement to accept grant funds from PetSmart Charities as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: TRAILS STEERING COMMITTEE

Debbie Kendall, Interim Planning Director, presented a suggested list of organizations and groups from which steering committee members would be invited for trail development

planning. She stated that representation would be limited to one person per organization (unless otherwise noted or directed by the Board) and that it is anticipated that the committee will meet on a monthly basis to create a plan for trail development between Willow Grove Inn and Montpelier.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to establish a Trails Steering Committee to discuss and plan trail development between Willow Grove Inn and Montpelier. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC HEARINGS

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:

- An amendment to Sec. 54-5. Definitions. of the Subdivision Ordinance to amend the definition of "Parent parcel" to state as follows:

Parent Parcel means:

- a) In the Agricultural zoning district, a parcel of land that is at least twice the minimum lot size required by the Zoning Ordinance and that is of record upon the effective date of this ordinance. Two or more parcels, at least one of which must be of record upon the effective date of this ordinance, may be consolidated to create a parent parcel in the Agricultural zoning district. Those consolidated parcels may then be subdivided pursuant to this ordinance, however, consolidation which results in a subdivision may only be done once in a four (4) year period and otherwise subject to Section 54-27(1). This is not the same as "resubdivision" as defined herein;*
- b) In any Residential zoning district, a parcel of land that is of record upon the effective date of this ordinance; or*
- c) For the purposes of continued division, the residue as defined herein.*

At 7:31 p.m., Chairman Frame opened the floor for public comment. The following individuals spoke: Nancy Wiley, 16104 Montebello Road, Orange; Dan Holmes, representing the Piedmont Environmental Council; Randy Grymes, 15381 Willow Spring Road, Orange; Tom Bundy, 13049 St. Just Road, Unionville; Jack Snyder, 12574 Chicken Mountain Road, Orange; Teri Pace, 25485 Gooch Lane, Unionville; and David Heyl, 13488 Brookman Road, Somerset.

Chairman Frame read a letter that the Board received from Steve Satterfield.

There being no additional speakers, Chairman Frame closed the public hearing at 7:52 p.m.

Mr. Burkett stated that he was not ready to take action on the proposed amendment as he needs to clarify a few things with the County Attorney.

Mr. Burkett moved to table this matter. Mrs. Abbs seconded the motion.

Mr. Goodwin stated that adjustments are done all of the time on the Comprehensive Plan, Zoning Ordinance and the Subdivision Ordinance. He stated that the Subdivision Ordinance does preserve land. He concluded by saying that the current Subdivision Ordinance was approved on a 3 – 2 vote. He stated that he doesn't understand the need to punish one neighbor on his division right in order to give land to another neighbor.

Mr. Burkett stated that he basically endorses everything Mr. Goodwin said and noted that the net result would be fewer lots instead of more. However, he holds his previous position that he would like to

table the matter until he can meet with Ms. Pandak.

Mrs. Abbs stated that it seems that things are done which are counter-productive. She questioned whether a lot that was created since 2008 is combined with a lot that was created prior to 2008, does that then become a parent parcel. She indicated that the answer is yes. She commented on the Water Supply Plan and indicated that there won't be enough water to supply everyone. She voiced concern about not being able to open the new middle school due to funding issues and indicated that if more lots are approved another school will be needed. She stated that there needs to be a balance and that this does not appear to be good government.

Mr. Frame stated that in this particular situation it does create another lot. Yes, there can be a transfer but the owner is cutting off a piece of his land.

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

RE: ACTION ITEMS CONTINUED

RE: LIVESTOCK REIMBURSEMENT REQUEST – ATKINS

Ms. Jordan stated that information had been received from Martha Atkins requesting a reimbursement for poultry killed by a stray dog. She concluded by saying that staff has confirmed that funds are available to cover the proposed reimbursement.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the livestock reimbursement request from Martha Atkins, 21421 Lahore Road, Orange, VA 22960, in the amount of \$240.00 from the Livestock Reimbursement Fund as requested. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: BARBOURSVILLE PARK FEES

Ms. Jordan reported that staff has been reviewing opportunities to decrease spending and increase revenues. One area for the Board's consideration is rental fees associated with Barbourville Park. Currently, the practice is for the County to take a \$25 deposit which is returned once the event is over. She stated that Gordonsville Little League is not charged to rent the ball fields. So, there are no fees to rent the park. Ms. Jordan stated that Albemarle County charges a \$50 non-refundable charge for their shelter and extra charges for the pool and ball fields. Greene County charges a \$25 non-refundable fee for half day rental and \$50 non-refundable fee for the full day. Ms. Jordan indicated that the current costs associated with the park are related to weekly cleaning of the bathrooms and trashcans, and for maintenance of the playground.

By consensus, the Board authorized staff to include revenue from the \$25 deposit for use of the Barbourville Park into a non-refundable fee to help cover the costs associated with the park for its consideration for the FY 2012 budget.

RE: STREAM RESTORATION PROGRAM

Greg Wichelns, District Manager with Culpeper Soil and Water Conservation District, gave an overview of a grant proposal they are pursuing for the Stream Restoration Program. He explained that he is trying to get support from all five localities in the district. Mr. Wichelns stated that others partners contributing include: Natural Resources Conservation Service, Virginia Outdoors Foundation, Piedmont Landowners Association, and Friends of the Rappahannock.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to send a letter to the Grants Management Team at the Division of Soil and Water Conservation in support of the Culpeper Soil and Water Conservation District Stream Restoration

Program; and to contribute \$1,000 per year for two years direct financial support of this project with the current payment of \$1,000 from the Contingency Fund. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to appoint the following students to the Orange County Youth Council for the 2010-2011 School Year:

- Prospect Heights Middle School
Kendall Bayless – 8th Grade; Holly Carrell – 8th Grade; Taylor Marrs – 8th Grade; Taylor Walton – 8th Grade; and Rudolph Woodward – 8th Grade.
- Locust Grove Middle School
Carrington Carey – 8th Grade; Star Dodson – 8th Grade; and James Reid – 8th Grade.
- Orange County High School
Ann Taylor Mohrmann – 9th Grade; Kendall Thompson – 9th Grade; Raleigh Wade – 9th Grade; Marguerite McCord – 10th Grade; Taylor Richardson – 10th Grade; Everett Garrett – 11th Grade; Dainee Gibson – 11th Grade; Elizabeth Higginbotham – 11th Grade; Kourtney Monroe – 11th Grade; Lindsey Shifflett – 11th Grade; Bryant Utz – 11th Grade; Julia Ann Yurasits – 11th Grade; Ebony Brown – 12th Grade; Alexis Richardson – 12th Grade; and Morgan Wade – 12th Grade.

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

RE: DISCUSSION ITEMS

RE: MARSHALL REZONING REQUEST: SUPERVISOR ABBS

Mrs. Abbs made a motion, pursuant to §VI. A. of the Board of Supervisors Bylaws, to suspend the portion of the Board Bylaws §III.J. which states that *“any vote previously taken by the Board with the exception of zoning matters and ordinances, may be rescinded by a majority of total membership of the Board”* in order to further discuss the rezoning of the Marshall Property. Mr. Goodwin seconded the motion. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

Mrs. Abbs stated that at the last meeting, an item was added to the agenda for discussion concerning the zoning of the property TM #33-57 currently owned by Keith Marshall. She gave a brief overview of the history of the zonings of the property. She voiced concern that since Mr. Marshall's land was successfully enrolled in the County's Land Use Valuation Program and has been since January, 2007, it will be taxed at the land use tax rate while he owns commercially zoned land. She stated that there are other people in Orange County who own property zoned commercial and residential and they are paying taxes for that zoning.

Discussion ensued including: possible fee waiver and removal from land use; a solution for Mr. Marshall; and the possible waiver of back taxes.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to rescind the original motion to initiate proposed rezoning of the Marshall Property – Tax Map No. 33-57. Ayes: Abbs, Burkett, Wilson, Frame. Nays: Goodwin.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report;

- Letter from Auditor of Public Accounts;
- Region 2 RPAC-I Grant;
- Orange County Safe Roads Continuation Grant-DMV Project;
- Letter from Virginia Cooperative Extension;
- VCE-“Blueprint” for Future; and
- Letter from the National Endowment for the Humanities.

By consensus, the Board requested that staff contact Montpelier to see if they have a representative available to attend the November 16, 2010 meeting to brief the Board on the request from the National Endowment for the Humanities concerning the “Consulting Party Invitation” for the Montpelier Foundation’s archaeological study.

Ms. Jordan stated that she would send a response to the National Endowment for the Humanities indicating receipt of their letter and that the Board had requested additional information from the Montpelier Foundation.

RE: COMMITTEE REPORTS

There were not committee reports at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of October, November and December, 2010 and a copy of the draft FY 2011-2012 Budget Meeting Schedule.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the budget meeting schedule for Fiscal Year 2011-2012 as modified (deleting the December 28, 2010 meeting). Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CLOSED MEETING

At 8:53 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:

- Probable litigation and legal advice related thereto, where consultation in open meeting would adversely affect the litigating posture of the County (§2.2-3711.A.7 VA Code Ann.);
- Discussion of assignment, consideration or interviews of prospective candidates for employment (§2.2-3711.A.1 VA Code Ann.);
- Discussion or consideration of the investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected (§2.2-3711.A.6 VA Code Ann.);
- The protection of the privacy of individuals in personal matters not related to public business (§2.2-3711.A.1 VA Code Ann.); and

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.

RE: CERTIFICATION OF CLOSED MEETING

At 10:15 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 Mr. Goodwin and carried, to adjourn the meeting at 10:15 p.m. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.