

BOARD OF SUPERVISORS MINUTES

NOVEMBER 10, 2009

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, November 10, 2009 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson*; Zack Burkett; and Teri L. Pace. Also present: Julie G. Jordan, Acting County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

**Supervisor Johnson entered the meeting at 4:11 p.m.*

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mrs. Pace 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
Landfill	Litter Control Grant	\$ 2,156.00	Carry-forward Fund Balance
Subtotal			
Landfill		\$ 2,156.00	
Total this request		\$ 2,156.00	
Total year to date		\$ 542,893.25	

RE: RESOLUTION OF RECOGNITION FOR HOLLADAY HOUSE BED AND BREAKFAST

The Board approved the following resolution to the Holladay House Bed and Breakfast in celebration of its 20th Anniversary:

**RESOLUTION OF RECOGNITION
BY THE BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA
PRESENTED TO HOLLADAY HOUSE BED AND BREAKFAST
IN CELEBRATION OF ITS 20TH ANNIVERSARY**

WHEREAS, Holladay House Bed and Breakfast, located at 155 West Main Street in the Town of Orange, Virginia, opened for business in 1989; and

WHEREAS, the year 2009 marks the 20th anniversary of the opening of Holladay House Bed and Breakfast; and

WHEREAS, Holladay House Bed and Breakfast is the oldest continually-operating Bed and Breakfast in the Town of Orange, Virginia; and

WHEREAS, Holladay House Bed and Breakfast occupies an historic property that is located in the Orange Downtown Commercial Historic District, and this property is one of the few extant examples of ante-bellum federal architecture in the Town of Orange, Virginia; and

WHEREAS, the mission of the Holladay House Bed and Breakfast is to promote Orange County as a tourism destination, to preserve Orange County history and heritage through tourism and education, to support the development of art and culture in Orange County, to advance the wine industry in Orange County, and to provide exemplary lodging, dining, and concierge services to visitors and local residents; and

WHEREAS, the Holladay House Bed and Breakfast has actively supported local organizations and charities, and has promoted Orange County activities, events, and tourist attractions for the benefit of Orange County residents, visitors, businesses, and organizations; and

WHEREAS, the current and past owners of the Holladay House Bed and Breakfast have maintained a long-standing tradition of service to their community and have actively worked to preserve and promote the unique history of their property and the history of Orange County; and

WHEREAS, for twenty years, the Holladay House Bed and Breakfast has faithfully welcomed visitors to Orange County and provided outstanding hospitality.

NOW THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors expresses deep appreciation to Holladay House Bed and Breakfast for fulfilling its mission to Orange County and its citizens.

RE: AMERICAN EDUCATION WEEK PROCLAMATION

The Board approved the following proclamation regarding American Education Week: proclamation where the Board of Supervisors proclaims the week of November 15th – 21st, 2009 as the 88th annual observance of American Education Week.

WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility, and equality, and

WHEREAS, by equipping young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

WHEREAS, education employees – be they educators, student services providers, nurses, computer technicians, coaches, custodians, bus drivers, secretaries, maintenance technicians, mechanics, food services workers, security personnel, substitute employees and all other staff members – work tirelessly to serve our children and communities with care and professionalism;

WHEREAS, schools are the foundations of neighborhoods and communities, bringing together adults and children, educators and volunteers, business leaders, and elected officials in a common enterprise;

WHEREAS, Orange County Public School employees have demonstrated outstanding commitment and success in serving the needs of our community and its children; and

NOW, THEREFORE, BE IT RESOLVED that the Orange County School Board hereby proclaims the week of November 15-21, 2009 as the 88th annual observance of American Education Week.

RE: DESIGNATION OF FUNDS FOR MINE RUN FIRE STATION

The Board approved the transfer of funds from the project Fire Equipment Replacement Reserve (312-94450-1049) in the amount of \$70,500 for the purchase of land for a new Mine Run Fire Station.

RE: TIPPING FEE WAIVER REQUEST FROM MONTPELIER

The Board approved a request from the Montpelier Steeplechase and Equestrian Foundation for a waiver of tipping fees associated with the Montpelier Hunt Races, scheduled for November 7, 2009.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARD

Suzanne Sullivan, Accounting Clerk in the Parks and Recreation Department, was recognized for her five years of dedicated service to the County.

RE: VDOT UPDATE

Roy Tate, Assistant Resident Engineer, updated the Board on the status of road projects in Orange County.

RE: PRESENTATION OF RESOLUTION TO HOLLADAY HOUSE

Chairman Frame presented a resolution to Sam and Sharon Elswick on behalf of Holladay House Bed and Breakfast in celebration of its 20th Anniversary.

RE: ACTION ITEMS

RE: AMENDMENT TO SPRINGSTEAD CONTRACT

Ms. Jordan stated that John Anzivino, Senior Vice President of Springsted, will be attending the evening session of the Board meeting to review the process for recruiting a new County Administrator.

Mr. Burkett voiced concern regarding how the specifications are written for the hiring of the County Administrator, as well as, other department directors. He indicated that there may be qualified individuals within the County.

Ms. Pace inquired whether there were other contractors in this field and questioned whether the contract was competitive.

Mr. Goodwin stated that he is happy with the current County Administrator and can't see spending money that doesn't need to be spent.

No action was taken by the Board at this time.

RE: GORDONSVILLE LIBRARY - FURNITURE AND FIXTURES

Katie Hill, Library Director, explained that the Library wants to piggyback onto a competitively bid contract for the purchase of shelving (\$72,170.99) and the bulk of its wood furnishings (\$28,234.08) for the new Gordonsville Library. She indicated that the contract was negotiated by The Baltimore Regional Cooperative Purchasing Committee (BRPC), a consortium based in Howard County, Maryland. She reported that the proposed contract provides better pricing for the County than it could get bidding on its own with a 40% discount on shelving and a 44% discount on furnishings. Mrs. Hill stated that the contracted prices include freight and installation which will provide significant savings. She indicated that the Library has used MELOS as a vendor for many years because of their competitive pricing, good customer service and timely delivery.

The Board questioned why competitive bids weren't sought for this project.

Mr. Johnson moved, seconded by Mr. Burkett and carried, to approve a purchase order utilizing the BRPC contract for MELOS in the amount of \$100,405.07 from line item #312-94110-8205, which are 100% composed of donations from the community and grant funds. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: STANDARD OPERATING GUIDELINES - EMPLOYMENT OF IN-COUNTY FIRE AND RESCUE VOLUNTEERS

Jamie Clark, Fire and EMS Director, stated that he had been approached by volunteer members within the County's volunteer fire and rescue agencies inquiring whether the County will allow them to be County employees within the County's Fire & EMS Department, and remain an active volunteer with their agency. He indicated that this interest has been sparked by some of the surrounding localities changing their policy to allow this to happen. He stated that he had consulted with the County Attorney and she has reported that this is allowable by the law, if the County chooses to do so. Mr. Clark voiced concern that the County currently has a great working relationship with the volunteers and he does not want to do anything to jeopardize the relationship.

Discussion ensued including: hiring from the volunteer pool; filling positions with volunteers who are familiar with County processes and policies; shift management; current volunteerism for fire and rescue; and the window of separation between volunteer and county paid work time – 2 hours versus 6 hours.

Mr. Burkett moved to approve the following resolution adopting the Department of Fire & EMS Standard Operating Guidelines (SOG) 2.32 as presented:

APPROVE FIRE & EMS SOG 2.32: EMPLOYMENT OF IN-COUNTY FIRE & RESCUE VOLUNTEERS

WHEREAS, the Department of Fire & EMS has asked the Board of Supervisors to approve a policy by which in-county fire & rescue volunteers may be employed by Department; and

WHEREAS, the County Attorney has advised that recent case law permits the County to hire volunteers; and

WHEREAS, Fire & EMS has advised the Board that it is prudent to set forth parameters for such hiring so that the potential for conflicts that may affect the relationship between the County staff and the volunteer Fire & Rescue companies is minimized;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby approves the attached Department of Fire & EMS Standard Operating Guideline (SOG) 2.32 as revised.

Mrs. Pace seconded the motion.

Ayes: Burkett, Pace. Nays: Johnson, Goodwin, Frame.

RE: REORGANIZATION OF THE FIRE AND EMS DEPARTMENT AND EMERGENCY MANAGEMENT

Jamie Clark, Fire and EMS Director, explained that he was seeking the Board's permission to reorganize specific job functions within the Fire and EMS Department. He explained that part one of the two part request involved the Office of Emergency Management. The goal of both departments is to provide the necessary emergency services to the citizens of

the County and do so in the most effective manner. In order to accomplish this goal, staff would like to reorganize the two departments into a single department that is sub-divided under one department director. Mr. Clark explained that the second phase of the proposed request pertains to reorganization of the Fire and EMS Administration. The goal of the proposed request is to reassign the critical job duties to the upper management of the department in order to streamline the operations and maximize EMS billing efforts. He stated that the department was given the directive to increase the efficiency of the EMS Revenue Recovery Program. The proposed change will allow the department to effectively meet this directive. The relationship between EMS billing and electronic reporting has shown to be critical if the intention is to maximize the revenue from EMS billing. Mr. Clark explained that the proposed request for reorganization would reclassify the position of fire Training Captain to Assistant Director of Operations. He indicated that the cost associated with reorganization will be minimal as the funds saved from combining the Emergency Management positions can be used to off-set the cost to reclassify the position of Fire Training Captain to the position of Assistant Director of Operations. There are no additional funds being requested to facilitate the needed changes.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to second a motion to approve the reorganization of the Fire and EMS Department and the Office of Emergency Management and to be implemented as soon as necessary measures are in place. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Burkett reappointed James White to serve as the District Two representative on the Economic Development Authority for a four year term, with said term expiring December 31, 2013.

Mrs. Pace moved to remove the following individuals from the Library Board for non-attendance of meetings: Ann Bledsoe, District Three and Patricia Seward, District Four.

Mr. Johnson moved to approve the Youth Council Members as presented.

Mr. Goodwin seconded the motions. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: LANDFILL STICKERS/CONFLICT WITH NORTHERN VIRGINIA COMMUNITIES PARKING POLICIES

Supervisor Burkett stated that there are people who own homes in the County but their primary residence is in Northern Virginia. Apparently, there have been problems with affixing an Orange County decal on the windshield while living in another locality. He wanted staff to clarify that it is not necessarily the sticker that authorizes permission to use the landfill or collection centers. He clarified that if they have a driver's license or a permission to dump then they could utilize the landfill or a collection center. He asked the media outlets to help the County get this information out to the citizens.

Phyllis M. Yancey, Treasurer, briefly explained to the Board the process for obtaining additional County decals for entrance into the landfill and collection centers.

Chairman Frame confirmed that citizens can utilize the landfill and collection centers if they have either a County decal, driver's license showing a County address, or a permission to dump.

RE: ROUND HILL PROFFERS

Debbie Kendall, Interim Planning Director, reported that she and Karen Karasinski, Finance Director, has conducted an initial review of the Fiscal Impact Analysis prepared by the consultant for the Round Hill project. She stated that the issues raised are not intended to discredit the analysis or the project in any way. However, there are flaws in the assumptions of the analysis that impact the estimated projected revenues and expenditures for the project. She stated that there are three revenue sources listed in the analysis that either the County does not collect or are not applicable to this project: Meals Tax, Equipment Tax, and Personal Property Tax Receipts for Non-Residential uses. Consequently, the revenues shown for these items, which are approximately 12% of the total projected revenues, were subtracted from the projected revenue total. Regarding Taxable Personal Property, vehicle values from the Personal Property Tax Relief Act were used to calculate revenue rather than the higher valuations shown in the analysis. The resulting estimated Personal Property Tax receipt estimate for residential uses is approximately 44% lower than that shown in the analysis. The housing values used in the report to calculate estimated real estate tax revenue appear to be approximately 20% higher than actual for this area currently. Reducing these values to 80% of the amounts shown in the analysis is more realistic and consequently produces a total estimated real estate and sales tax revenue that is 80% of what is shown in the report. It is important to note that, as with all of the projected revenues shown, the amount of revenue to be generated from real estate taxes as shown in the report will not be fully realized until build-out of the development is reached. It should also be noted that staff did not analyze projected sales tax revenues or County school reapportionment from State sales tax revenues as shown in the report. Mrs. Kendall continued, the "Total Annual Fiscal Revenues Related to Project" for Orange County as provided in the Fiscal Impact Analysis is \$3,564,110. Adjusting this figure according to staff's analysis as described herein shows that the projected total revenue to the County from the Round Hill development is approximately \$1 million less, or \$2.5 million.

Mrs. Kendall stated that the information related to expenditures as provided in the Fiscal Impact Analysis appears to accurately reflect operating costs for the County, but it does not take into account costs for capital projects. This bolsters the County's position that cash proffers should be paid to address impact on capital needs. The "Total Annual Fiscal Costs Related to Project" for Orange County as reported in the analysis is \$3,040,211. Generally speaking, the revenue projections as shown by the consultant in the Fiscal Impact Analysis are optimistic, while the projected expenditures as shown in the report are incomplete in that capital projects are not counted. Using the projected revenue figure, as generated by County staff, to calculate the approximate net fiscal impact of Round Hill shows the development will likely cost the County more than \$500,000 per year.

Mrs. Kendall indicated that the Board may wish to provide comment regarding the following:

- Parks: The development proposal includes passive recreation facilities in the form of trails and active recreation facilities in the form of playgrounds, tennis and basketball courts. However, no provision is made for facilities such as playing fields (soccer, baseball, etc.) that may be used for inhabitants of the development and the community as a whole.
- Phasing: Currently the development proposal does not articulate any phasing with respect to limiting the amount of residential development that occurs in advance of the corresponding commercial development. When the economy begins to improve, it is expected that the developer will focus efforts to develop as many residential units as possible in order to achieve a quick return on investment. While it is widely recognized that the market requires that a certain amount of residential development must occur before commercial development becomes viable, extended delay of the development of the commercial components of the Round Hill project will delay any tax benefit to be realized from the development. Requiring that phasing be implemented is critical to

ensure that the commercial development occurs in a timely manner so as to help offset the costs associated with residential development.

- Development access and traffic: The concept development plan for the Round Hill project shows multiple points of access to adjoining properties in the county that surround the site that will allow for inter-parcel connectivity in the event these adjoining properties develop. In addition, the developer of the project is proffering an extension of May Fray Avenue through town to connect with the Round Hill central entrance round-about. This will provide for an alternate route to Madison Road for traveling through town.

While it is expected that any new development within either town or in the county may have some impact on the road network within the county, as reflected in the county's proffer policy, there appears to be minimal direct impact from the Round Hill development that would facilitate the need for any of the road improvements that are currently the basis for the transportation proffer calculation. In addition, the transportation improvements proffered by the Round Hill developer are such that the direct impact of the development on the transportation system within the town will be mitigated. Accordingly, the Board may wish to consider whether to reduce the transportation proffer as currently set forth in the policy.

- Water supply: The Town will provide water to the development, which may impact the water provisions to the county's industrial park on Route 15. The town planning commission has asked the town Director of Public Works to provide more information in this regard.

Discussion ensued regarding how proffers can legally be offered if the property is not owned and the developer has to acquire.

Ms. Jordan stated that it is anticipated that the Orange Town Council will take action on the proposed project on December 21, 2009. If additional information is necessary, more guidance is needed from the Board.

The Board requested that Mrs. Kendall get a copy of the Town's Planning Commission recommendations to review at its meeting on December 8, 2009, as well as, another copy of the Round Hill proffers.

RE: RECESS

The Board took a short recess at 5:24 p.m. and reconvened at 5:38 p.m. for a joint worksession with the Orange County School Board.

RE: JOINT DINNER WORKSESSION WITH THE ORANGE COUNTY SCHOOL BOARD

Chairman Bledsoe called the School Board meeting to order.

Discussion ensued including: the proposed School Board Capital Improvements Plan (CIP); operating costs; critical capital line items; student/teacher ratios; enrollment projections; growth assumptions; use of stimulus funds; population changes at specific schools; possible reconfiguration for schools once new school opens; BCWH study; what is necessary to provide a decent education; maintenance of school facilities; technology upgrades; the need for a Career and Technical Education facility; and the Government Accounting Standards Board – Statement 45.

RE: RECESS

The Board took a short recess at 6:41 p.m. and reconvened in open session at 7:00 p.m.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

Supervisor Burkett stated that he had met with T. C. Waddy, member of the Spotsylvania County Board of Supervisors, and expressed to him that there was no will on the Orange County Board of Supervisors to change the line. Commissioners of the Revenue in both localities have done a good job sorting it out. He suggested that both localities continue to allow the Commissioners of the Revenue to work out the taxing end; that zoning regulations would apply to whichever County is taxing the property; and look at options to change when technology catches up so that there won't be a large sum of money spent for surveys, etc.

Ms. Pandak stated that the agreement is based on convenience by the Commissioners of the Revenue so the actual line won't change.

Chairman Frame clarified by saying that, at present, zoning on land use decisions would be based on the taxing locality.

RE: DISCUSSION ITEMS CONTINUED

RE: RECRUITMENT OF COUNTY ADMINISTRATOR

John Anzivino, Vice President of Springsted, gave a brief history of Springsted qualifications and experience. He gave an overview of the typical executive search process including: position analysis; recruitment and preliminary screening; identification of semi-finalists; selection of finalists/candidate presentation; interview coordination; employment negotiation; and ongoing services.

Discussion ensued including: concerns with professionally recruiting a County Administrator from a suburban area for a very rural county; past experiences; ignoring high-talent pool within the County.

Chairman Frame stated that individuals recruited at leadership levels have been very good. Mr. Burkett added that the County does have some excellent people.

Mr. Anzivino stated that Springsted may look at things more broadly; however, the Board will set the criteria for the position.

He concluded by saying that they have extended their warranty for satisfaction to two (2) years.

The Board took no action at this time.

RE: PUBLIC HEARINGS

RE: PROFFER MODIFICATION 09-01 – GEORGE CARTER

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:

- PROFFER MODIFICATION 09-01: A request from George D. Carter, owner of Village Feed & Garden Inc., d.b.a. Village Motorsports, for a modification of proffers, accepted when the property was rezoned in 1997 to allow for a pylon sign that is 18' in height. The proffered limit is 12'. The site is designated as Agricultural on the Future Land Use Map,

and is currently split-zoned as General Commercial (C-2) (front half of property along Route 20) and Limited Residential (R-1) (back half of property along Village Road). The property is identified on County tax maps as parcel 32-69, consists of approximately 5.417 acres, and is located along Route 20 (Constitution Highway) approximately 0.4 miles west of Route 522 (Zachary Taylor Highway).

Debbie Kendall, Interim Planning Director, gave the staff report. She concluded by saying that the Planning Commission recommends approval of the proposed proffer modification.

Chairman Frame opened the floor for public comment at 7:36 p.m. There being none, the public hearing was closed.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to accept the recommendation of the Planning Commission and approve PROFFER MODIFICATION 09-01 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REZ 09-03 – TIM SANNER

Chairman Frame called the public hearing to order to receive comments on the following:

- REZ 09-03: An application from Timothy K. Sanner, et al., to rezone approximately 0.5 acres from General Commercial (C-2) to General Residential (R-2). The site is designated as Mixed Use on the Future Land Use Map, and is currently split-zoned as General Commercial (C-2) (front half of property along Route 20) and General Residential (R-2) (back half of property). The property is identified on County tax maps as parcel 45-10, consists of approximately 1.00 acre, and is located along Route 20 (Constitution Highway) across from the Orange County Airport.

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

Discussion ensued including: the depth of the commercial zoning; and whether the house is situated on the commercial zoned property.

Chairman Frame opened the floor for public comment at 7:40 p.m. There being none, the public hearing was closed.

Supervisor Burkett noted that the Sanners had contacted him indicating that they would be unable to attend the meeting as their son was being inducted into the National Honor Society. He distributed a letter to the Board from them.

Mr. Burkett moved to accept the recommendation of the Planning Commission and approve REZ 09-03 as presented. Mrs. Pace seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS CONTINUED

RE: URBAN DEVELOPMENT AREA

Ms. Pandak stated that the Board had requested information at its last meeting for designating an Urban Development Area (UDA) for the County in anticipation of certifying that the County currently meets the requirements set forth in the statute. The current Comprehensive Plan may meet the density requirements of an UDA; however, it doesn't meet the other requirements for new urbanism or traditional urban development.

Mrs. Kendall stated that it appears that the County may accommodate projected residential growth in the proposed UDA using the current planned area in the Route 3 Corridor and the target 1% average annual growth rate as set forth in the 2006 Orange County Comprehensive Plan at the prescribed rate of 4 du per acre over the next 10-20 years.

Discussion ensued including: specifications by State Code; currently zoned areas; incentive requirements; design requirements; certification process; and the impact on future rezonings.

Mr. Burkett moved to adopt the following resolution to initiate a comprehensive plan amendment in order to certify certain area adjoining Route 3 as an Urban Development Area:

INITIATE COMPREHENSIVE PLAN AMENDMENT IN ORDER TO CERTIFY CERTAIN
AREA ADJOINING RT. 3 AS URBAN DEVELOPMENT AREA

WHEREAS, § 15.2-2223.1 VA Code Ann. requires Orange County as a “high growth” locality to incorporate one or more urban development areas (“UDAs”) into its comprehensive plan by July 1, 2011; and

WHEREAS, although the Board of Supervisors does not believe that counties with a population of under 50,000 should have to designate UDAs, the Board finds that an area which can meet the State requirements currently exists in Orange County; and

WHEREAS, the Board desires to certify an area adjoining Rt. 3 as a UDA pursuant to §15.2-2223.1.E VA Code Ann.; and

WHEREAS, an amendment to the Comprehensive Plan will enable the Board to make said certification;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby initiates a Comprehensive Plan amendment for the approximately 619 acre area adjoining Rt. 3, which is currently zoned for residential development (including the lots yet to be developed within the platted subdivisions of Lake of the Woods, Somerset Farms, Wilderness Shores, Edgewood and Germanna Heights), as shown on the attached map, in order to designate it as a UDA; and

BE IT FURTHER RESOLVED that the Board desires that said proposed Plan amendment incorporate the principles of new urbanism and traditional urban development which are being proposed as part of the current update of the Zoning Ordinance and that any financial or other incentives for development in the UDA be described in the Plan.

Mrs. Pace seconded the motion for discussion.

Mr. Goodwin consulted with Ms. Pandak regarding his family’s ownership of property on Route 3 near the proposed UDA. Ms. Pandak stated that since his family owns the property, he should submit the following statement of disclosure:

STATEMENT OF DISCLOSURE

Declaration of interest with respect to transactions in which Members of the Board of Supervisors may participate in accordance with § 2.2-3112 (A)(2) VA Code Ann.

This declaration is made with respect to those transactions in which a Member of the Board may participate even though he or she is a member of a business, profession, occupation, or group the members of which are affected by the transaction.

"The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure of certain interests in order to participate in a transaction which otherwise affects my personal interest as a member of certain defined groups. Therefore, I make the following disclosure:

1. The transaction involved is:

Initiation of a Comprehensive Plan Amendment in order to certify a Certain Area Adjoining Rt. 3 as an Urban Development Area

2. My personal interest affected by this transaction is:

Possibility of impact on property owned by my father, William T. Goodwin (50% undivided interest) and Mary Katherine Greenlaw and her sister Carey Louthan (heirs of my uncle), consisting of 290 acres, with tax map designations of 13-5B, 13-11, 13-16, 13-16G. I would be my father's representative with respect to this property, and I am my father's heir with respect to his interest in this property.

3. I am a member of the following business, profession, occupation, or group, the members of which are affected by this transaction:

The parcels are in the vicinity of the area proposed to be included in the Urban Development Area. There are more than three (3) other properties affected or potentially affected by this proposed Urban Development Area designation.

4. I affirmatively state that, notwithstanding my personal interest, and the effect it may have on the aforementioned group, I am able to participate in the transaction fairly, objectively, and in the public interest."

HOWEVER, I am choosing not to participate in this vote.

Ayes: Johnson, Burkett, Pace, Frame. Nays: None. Abstain: Goodwin.

RE: HOLIDAY MARKET AND TREE LIGHTING WEEKEND

Ms. Jordan updated the Board on the status of the Holiday Market and Tree Lighting Weekend. She noted that there were not enough vendors for participation in the Holiday Market. Therefore, the Committee will begin work on the event sooner for next year's Holiday Market.

RE: PROPOSED ZONING ORDINANCE AMENDMENTS

Ms. Pandak stated that at the October 27, 2009 meeting, Chairman Frame asked that draft changes to the Zoning Ordinance be presented to:

1. Incorporate changes required by recent change in State law; and
2. Allow for the temporary uses of ten revivals and flea markets in commercial districts.

Ms. Pandak briefly reviewed the proposed changes.

Discussion ensued including: outdoor retail sales event; sign ordinances; temporary ordinances; flea markets; time restrictions; and concerns that additional regulations will cause more problems.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adopt the following resolution to initiate proposed changes to the zoning ordinance in advance of the zoning

ordinance update as presented.

MOTION TO INITIATE PROPOSED CHANGES TO THE ZONING
ORDINANCE IN ADVANCE OF THE ZONING ORDINANCE UPDATE

WHEREAS, the Board of Supervisors desires to consider amendments to the Zoning Ordinance to incorporate recent amendments to the Code of Virginia relating to the Board of Zoning Appeals and expiration of special use permits; and

WHEREAS, the Board also desires to consider the addition of provisions to the Zoning Ordinance to permit temporary uses and to specifically allow tent revivals and flea markets as temporary uses in commercial districts; and

WHEREAS, as part of the ongoing Zoning Update process, the consultant has recommended additional language changes to the current Zoning Ordinance relating to the Board of Zoning Appeals and special use permits, and he has also recommended a framework for the incorporation of temporary uses into the Zoning Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby initiate the attached proposed changes to 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 to make a recommendation to the Board of Supervisors at an early date prior to the rest of the Zoning Ordinance update.

Ayes: Burkett, Goodwin, Pace, Frame. Nays: Johnson.

RE: MOBILE HOMES VS. MANUFACTURED HOMES

Mr. Burkett requested that this item be added to the agenda for discussion. He voiced concern with how ordinances are written and enforced. He stated that the County needs to simplify the ordinances and get "business friendly".

Discussion ensued regarding mobile home versus manufactured home.

Mr. Burkett questioned how the issue went from someone applying for a permit to being sued.

Bill Schwind, Chief Building Official, briefed the Board on the situation with Mr. Marshall. Debbie Kendall, Interim Planning Director, also gave an explanation of the issue with Mr. Marshall with regard to the Planning and Zoning Department.

Mr. Marshall was given an opportunity to explain his side of the story.

Discussion ensued including: the need to make the County "business friendly"; recommendation that the Board schedule a retreat in January to discuss the culture of the County; unfortunate miscommunication and band communication.

Ms. Pandak stated that staff needs direction from the majority of the Board regarding specific concerns.

Supervisor Burkett requested that specific concerns concerning the Zoning Ordinance be discussed at the Board meeting on December 8, 2009.

RE: COMPOSITION OF PLANNING COMMISSION

The Board requested that this item be added to the January 12, 2010 agenda for further discussion.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- 1st Quarter Reporting Fiscal Year 2010
- 3 Year Forecast
- Report Regarding Costs Associated with the Wal-Mart Litigation
- Application for Jackson Delivery Service LLC to operate as a Common Carrier over Irregular Routes
- DEQ Notification of Public Notice of Draft Permit-Battlefield Farms
- DEQ Notice of Intent-Completeness Review for the Orange County Sanitary Landfill Letter from Madison County Office of Zoning.

The Board requested that staff get additional information on the application for Jackson Delivery Service LLC to determine what they will be hauling in Orange County.

RE: CALENDAR

The Board received copies of its calendar for the months of November, December 2009 and January, 2010.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Johnson moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 9:52 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.