At a regular meeting of the Orange County Board of Supervisors held on Tuesday, December 8, 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, Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Zack Burkett; and Teri L. Pace. Absent: None. Also present: Julie G. Jordan, Acting County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mrs. Pace moved, seconded by Mr. Burkett and carried, to adopt the agenda as modified. Ayes: Johnson, Goodwin, Pace, 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
Animal Shelter	Emergency Vet	$	1,979.06	Donations
Animal Shelter	Vaccinations	$	975.00	Donations
Subtotal Animal Shelter		**$**	**2,954.06**	
Office on Youth	Skyline Cap Supplies	$	(2,500.00)	Grant Amount Changed
Subtotal Office on Youth		**$**	**(2,500.00)**	
Library	Wilderness Adult Books	$	750.00	Friends of the library
Subtotal Library		**$**	**750.00**	
Sheriff	Forfeited Asset Program	$	(114.16)	Duplicate
Sheriff	Forfeited Asset Program	$	774.08	State DJCS
Subtotal Sheriff		**$**	**659.92**	
OFEMS	Fire Training Program	$	8,316.00	Revenue*
OFEMS	Fire Training Program	$	55,164.00	Fund Balance**
Subtotal OFEMS		**$**	**63,480.00**	
	Total this request	**$**	**65,343.98**	
	Total year to date	**$**	**608,237.23**	

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	
Emergency Services	Fuel	E911	Fuel	2,000.00	A

A - Expenses for E911 Addressing Coordinator that needs to be in E911.

RE: MINUTES

The Board approved the following minutes as presented:

- September 22, 2009 Regular Meeting;
- October 13, 2009 Regular Meeting;
- October 27, 2009 Regular Meeting; and
- November 10, 2009 Regular Meeting.

RE: REFUND REQUEST - COVERT AND BROWN

The Board approved a refund request for Sherri Covert and Michael Brown in the amount of $125.00 for a zoning permit and an erosion and sediment permit that was issued on October 22, 2008, as they decided not to build on the property as initially intended.

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS

Teresa Lamb, Senior Administrative Assistant in the County Administration Office was recognized for her five years of dedicated service to the County.

Barbara Crozier, Office Manager-Plans Reviewer in the Community Development Office, was recognized for her ten 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. He stated that he is hopeful that federal safety funds can be acquired for the traffic light at Routes 611 and 20.

By consensus, the Board authorized VDOT to reduce the speed on Route 631 (Brick Church Road) from 55 mph to 45 mph.

RE: STATE OF THE COMMONWEALTH

Senator Edd Houck briefed the Board on the status of the Commonwealth of Virginia including: bond rating; unemployment rate; revenue forecast, state agency cuts; schools; constitutional officers; libraries; health department; public safety; community services board; and social services.

RE: TOURISM QUARTERLY REPORT

Lynne Lochen, Tourism Manager, gave a verbal report regarding activity in the Tourism Department for the last quarter.

RE: ACTION ITEMS

RE: FIRE & EMS GRANT

Jamie Clark, Fire and EMS Director, reported that the County has been awarded a grant in the amount of $240,000.00 to be used for the enhancement of the public safety radio system. He explained that the grant was a partnership between the agencies in Orange, Greene and Madison counties. Mr. Clark briefly summarized the projects that are to be completed within the grant funding including:

- The purchase of necessary equipment and costs associated with FCC regulations to narrow band all radios used by the County agencies by 2012.
- Relocation of the Clark Mountain tower site to an adjacent tower site operated by American Tower Company.
- Installation of control stations in each of the three 911 centers and the Sheriff's Department to allow one office to utilize the others system.
- The Orange County Sheriff's Office will replace their antiquated dispatch console system.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize the Acting County Administrator to execute documents related to the grant acceptance and appropriation of funds to the Interoperability Grant line (4.100.32310.8231). Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PROPOSED LETTER TO THE NATIONAL PARK SERVICE

Debbie Kendall, Interim Planning Director, stated that at its October 13, 2009 meeting, the Board requested that staff prepare a letter to the Park Service, concerning the use of the Wilderness Battlefield and the possibility of the inclusion of pedestrian and horse trails in the General Management Plan.

Chairman Frame noted that in the letter it states that the horse trails have been discontinued. He indicated that the language should be changed to reflect that the horse trails have been "severely restricted".

Mrs. Pace suggested that the letter be sent to the Director of the Interior as well.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the letter as revised and that a copy also be sent to the Director of the Interior. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PROPOSED REVISION TO PERSONNEL POLICY 5.1 - ANNUAL LEAVE

Ms. Jordan briefly reviewed the proposed revision to Personnel Policy 5.1 - Annual Leave. She stated that the current Annual Leave Policy was approved by the Board in 2006, authorizing the accrual rate and maximum vacation accrual. She explained that employees with a standard work week of 53 hours accrue more vacation time than employees with a standard work week of 40 hours, because on average, they work 32.5% more hours in a week. However, when this policy was implemented, the maximum accrual was not increased to reflect the same differential. Ms. Jordan concluded by saying that staff recommends that the policy be amended and the maximum accrual for a 53 hour employee be set at 32.5% higher than the 40 hour per week employee.

Mr. Johnson moved, seconded by Mr. Burkett and carried, to amend personnel policy 5.1 Annual Leave to increase the maximum leave accrual for employees working 53 hours per week. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CHRISTMAS EVE HOLIDAY

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to approve December 24, 2009, as a County Holiday. Ayes: Johnson, Goodwin, Pace, Frame. Nays: None. Abstain: Burkett.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mrs. Pace nominated Maria Pace, to serve as one of the District Four representatives on the

Orange County Library Board, filling the unexpired term of Patricia Seward (expires June 30, 2011). Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: VISION FOR THE ZONING ORDINANCE: DEBBIE KENDALL, INTERIM PLANNING DIRECTOR

Debbie Kendall, Interim Planning Director, stated that the Planning Commission has concerns about meeting the mid-February date for completing its review of the Zoning Ordinance. She inquired about the possibility of delaying it until March.

Mrs. Pace commented that the Planning Commission has been working diligently to forward a good document to the Board.

The Board felt it best to leave the current schedule in place and then review again when the new Board is seated.

Ms. Pandak stated that staff needs direction regarding the approach the Board wants taken. The draft that is being reviewed by the Planning Commission is what is permitted. She stated that if the Board wants to change course then it needs to be directed sooner rather than later. Otherwise much time and effort will be spent if it is going to take a 180 degree turn.

Chairman Frame and Supervisor Burkett voiced differing opinions regarding what is permitted versus what is not permitted.

By consensus, the Board requested that this item be added to the December 15, 2009 worksession for further discussion.

RE: AUTHORIZATION FOR CLOSED MEETING

Ms. Pandak read the following resolution authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting:

- Performance and appointment of specific appointees of the Board; and

WHEREAS, pursuant to §2.2-3711.A. 1 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 aforestated matters in Closed Meeting.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to approve the resolution authorizing Closed Meeting as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

Ms. Pandak read the following resolution certifying the Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was

conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Mrs. Pace moved, seconded by Mr. Goodwin and carried, to approve the Closed Meeting Certification resolution as presented. Ayes: Goodwin, Pace, Frame. Nays: None. Abstain: Johnson. Absent: Burkett*.

**Supervisor Burkett began to have problems with a nose bleed and listened to the meeting from the Board Conference Room.*

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

Mr. Johnson commented on big government

Mrs. Pace stated that it has been an honor and privilege to serve the citizens in District Four.

Chairman Frame applauded the outgoing supervisors for their service to Orange County and its citizens.

Mr. Goodwin stated that it has been a pleasure working with Mrs. Pace and Mr. Johnson. He reported that the 8U Stinger Football team had won the national championship.

RE: UPDATE ON THE ROUTE 29 CORRIDOR STUDY

Joe Springer of Parsons updated the Board on the status of the Route 29 Corridor Study. Mrs. Pace confirmed with Mr. Springer that improvements won't cut through Orange County at this point.

RE: PUBLIC HEARING: PROPOSED AMENDMENTS TO THE ORANGE COUNTY CODE OF ORDINANCES, CHAPTER 6, ANIMALS

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:

Proposed Amendments to the Orange County Code of Ordinances, Chapter 6, Animals:

- Sec. 6-1: Adoption of state comprehensive animal laws. **[Amended]**
- Sec. 6-4: Penalties for violation. **[Amended]**
- Sec. 6-113: Amount of license tax. **[Amended]**
- Sec. 6-166: Prohibited (Running at large). **[Amended]**
- Sec. 6-168: Prohibited in certain subdivisions. **[Repealed]**
- Sec. 6-170: Vicious dogs prohibited. **[Repealed]**
- Sec. 6-171: Dogs required to be kept restrained or under control in certain areas. **[New section added]**
- Sec. 6-172: Dogs constituting public nuisance. **[New section added]**
- Sec. 6-246: Definitions (Dangerous or vicious dogs). **[Amended]**

- Sec. 6-254: Penalties for noncompliance. **[Amended]**

Ms. Pandak reviewed the proposed ordinance amendments.

At 7:34 p.m., Chairman Frame opened the floor for public comment. Laura Carter, 12400 Constitution Highway, Orange, commented on the number of times that she has called Animal Control regarding her neighbor's dog. She voiced support of the proposed ordinance amendments. Chairman Frame closed the public hearing at 7:36 p.m.

Mr. Johnson questioned whether the proposed ordinance is as stiff as state laws allows. Ms. Pandak stated that the proposed ordinance is modeled after Spotsylvania County's ordinance. She indicated that the State Code has parameters and that the goal is to make the County's ordinance much stronger than it is currently so that Animal Control will have more flexibility.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution to amend the Orange County Code of Ordinances, Chapter 6, Animals:

AMEND COUNTY CODE CHAPTER 6 - ANIMAL CONTROL ORDINANCES

WHEREAS, the Orange County Board of Supervisors has reviewed its animal control ordinances and desires to amend the ordinances regarding nuisances, restraining dogs in certain areas, and to amend the definition of and punishment for "running at large," as well as make several other changes for clarity; and

WHEREAS, a public hearing has been duly advertised and held on these draft amendments;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby enacts the attached proposed amendments to Chapter 6, Animals:

- Sec. 6-1: Adoption of state comprehensive animal laws. **[Amended]**
- Sec. 6-4: Penalties for violation. **[Amended]**
- Sec. 6-113: Amount of license tax. **[Amended]**
- Sec. 6-166: Prohibited (Running at large). **[Amended]**
- Sec. 6-168: Prohibited in certain subdivisions. **[Repealed]**
- Sec. 6-170: Vicious dogs prohibited. **[Repealed]**
- Sec. 6-171: Dogs required to be kept restrained or under control in certain areas. **[New section added]**
- Sec. 6-172: Dogs constituting public nuisance. **[New section added]**
- Sec. 6-246: Definitions (Dangerous or vicious dogs). **[Amended]**
- Sec. 6-254: Penalties for noncompliance. **[Amended]**

AND BE IT RESOLVED that the County Administrator and County Attorney are directed to work with the Towns of Orange and Gordonsville and the Sheriff in order to determine whether the Towns continue to desire, and the Sheriff is willing to continue to provide, Animal Control to enforce Chapter 6 within the Towns and respond to the Board of Supervisors with proposed amendments to Secs. 6-3 and 6-167, and any new required draft agreement, in order to address the outdated provisions of Secs. 6-3 and 6-167.

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

RE: ACTION ITEMS CONTINUED

RE: LEGAL SERVICES CONTRACT

Mr. Burkett moved, seconded by Mrs. Pace and carried, to extend the contract with Sharon Pandak of Greehan, Taves, Pandak and Stoner, for County Attorney services through June 30, 2010. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS CONTINUED

RE: ROUND HILL PROFFERS

Debbie Kendall, Interim Planning Director, provided the Board with a copy of the most recent proffer statement, Fiscal Impact Analysis and Town of Orange Planning Commission recommendation regarding Round Hill/Uptown North Orange. She reported that the developer has said no to cash proffers.

Mr. Johnson stated that the Orange Town Council knows how the Board feels about this issue. He suggested that Town Council negotiate with the developer. Mr. Burkett stated that the Orange Town Council knows what the Board expects. Mrs. Pace stated that the County needs to uphold its Proffer Policy. Mr. Goodwin stated that he feels the Proffer Policy is too high. Mr. Burkett stated that the Orange Town Council knows the County's position. Mrs. Pace stated that the two entities need to work together and that neither should do something that causes a problem for someone else. Mr. Johnson stated that the Orange Town Council is acting in good faith. Mrs. Pace stated that the job of the Town Council and the Board of Supervisors is to serve the citizens and not the developer.

By consensus, the Board decided not to send a letter.

RE: TAX VOUCHERS FOR RAPIDAN FIRE AND RESCUE

Mrs. Pace requested that this item be added to the agenda for discussion. She indicated that the Rapidan Volunteer Fire Company had gotten left out of the County's tax voucher program. They serve both Culpeper County and Orange County. She requested that staff look into this matter.

RE: HANEY BARN

Mr. Johnson requested that this item be added to the agenda for discussion. He stated that Chris Haney, a former major league baseball player, wants to use his steel barn to give baseball training lessons. He briefed the Board on the process that Mr. Haney has gone through with the Planning Department and the inconsistencies associated with Mr. Haney's need to get a Special Use Permit to conduct the training lessons. Mr. Johnson stated that forcing Mr. Haney to get a Special Use Permit will make the training lessons bigger that what Mr. Haney had wanted or intended. Mr. Johnson voiced concerns that the Zoning Administrator has an independent authority to make these decisions.

Ms. Pandak commented on the authority of the Zoning Administrator.

Chairman Frame stated that it is the Board's attitude that if there are problems then the ordinance needs to be changed.

Supervisor Burkett left the meeting at 8:16 p.m. due to illness.

RE: LEGISLATIVE DIRECTION

Mrs. Pace moved to send a letter to state legislators and Governor Elect McDonnell requesting that they not send down any unfunded mandates during these tough economic times.

Mr. Goodwin seconded the motion.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report
- Letter from Butch Davies on behalf of the Commonwealth Transportation Board
- Letter from Virginia War Memorial Educational Foundation
- Letter from Woods Rogers PLC, Attorneys at Law
- Organizational Meeting Handouts - January 5, 2010
    1. Meetings Resolution
    2. Board By-Laws
    3. 2010 Holiday Schedule
    4. Board of Supervisors Committee Assignments
    5. New Supervisors Forum

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to schedule its Organizational Meeting on Tuesday, January 5, 2010 beginning at 7 p.m. Ayes: Johnson, Goodwin, Pace, Frame. Nays: None. Absent: Burkett.

RE: CALENDAR

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mr. Johnson and carried, to adjourn the meeting at 8:29 p.m. Ayes: Johnson, Goodwin, Pace, Frame. Nays: None. Absent: Burkett.

RE: BUDGET WORKSESSION

Chairman Frame called the Budget Worksession to order at 8:39 p.m. The following Board members were present: Lee H. Frame; S. Teel; Goodwin; Teri L. Pace; and Supervisor Elect Shannon Abbs.

Discussion ensued including: the Central Virginia Regional Jail; the budget schedule; Capital Improvements Plan review; and the need for a policy regarding the Government Accounting Standards Board (GASB) Statement 45.

The meeting was adjourned at 10:45 p.m.