BOARD OF SUPERVISORS MINUTES **APRIL 22, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 22, 2008 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Teri L. Pace, Vice-Chairman; Zack Burkett; S. Teel Goodwin; Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

MONTH	DEPT	ACCOUNT DESCRIPTION		AMOUNT	Funding Source
4/25/2008					
	Capital Projects	Lease Purchase Fire Trucks	$	454,902.00	Bond Proceeds
	Subtotal Capital Projects		**$**	**454,902.00**	
	Economic Dev	Travel expense	$	109.50	Expenditure Refund
	Subtotal Economic Development		**$**	**109.50**	
	Animal Shelter	Adoptable S/N	$	5,082.00	S/N Adoption
	Subtotal Animal Shelter		**$**	**5,082.00**	
	Project Excel	Supplies	$	2,500.00	Project Excel
	Substance Abuse	Supplies	$	3,735.00	Youth Substance Abuse
	Subtotal Office on Youth		**$**	**6,235.00**	
	Sheriff	Equipment	$	4,506.00	LETPP Grant Revenue
	Sheriff	Travel expense	$	11.00	Expenditure Refund
	Sheriff	Repair/Maintenance Vehicle	$	975.00	Expenditure Refund
	Sheriff	DMV Grant	$	13,850.00	DMV Grant Federal
	Subtotal Sheriff		**$**	**19,342.00**	
	Library	Books	$	781.25	Friends of the Library
	Subtotal Library		**$**	**781.25**	
		April Total	**$**	**486,451.75**	
		Fiscal Year to Date Total	**$**	**1,341,953.65**	

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

Month	Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount
4/22/2008	OFEMS	Travel Conference	OFEMS	Overtime	10,000.00
	Human Resources	Res for Raises	Building Inspector	Salary	1,100.00
	Human Resources	Res for Raises	Building Inspector	FICA	84.15
	Human Resources	Res for Raises	Building Inspector	Retirement	155.32
	Human Resources	Res for Raises	Building Inspector	GTL	11.00
	Human Resources	Res for Raises	Building Inspector	Worker's comp	18.88
	Parks & Rec	Wages Parttime	Parks & Rec	Salary	490.00
	Parks & Rec	Wages Parttime	Parks & Rec	Contracts	9,000.00
	Parks & Rec	Co sponsored	Parks & Rec	League Football	13,183.00
	Parks & Rec	Co sponsored	Parks & Rec	Group Trips	12,000.00
	Sludge Monitor	Postage	Planning & Zoning	Postage	350.00
	Triad Senior Prgm	Supplies	Triad Grant	Supplies	275.00
	Reassessment	Reassessment	Cap Prj Reassess	Reassessment	150,000.00
	Human Resources	Res for Raises	Office on Youth	Salary	2,003.00
	Human Resources	Res for Raises	Orange Library	Salaries/Fringes	1,529.75
	Human Resources	Res for Raises	Wilderness Library	Salaries/Fringes	2,199.00
	Human Resources	Res for Raises	Tourism	Salaries/Fringes	2,898.00
	Human Resources	Res for Raises	Va Coop Extension	Salaries/Fringes	425.00
	Parks & Rec	Electricity	Parks & Rec	Professional Services	3,000.00
	Parks & Rec	Supplies	Parks & Rec	Professional Services	2,000.00
	Parks & Rec	Maintenance Supp	Parks & Rec	Professional Services	5,000.00

RE: RESOLUTION FOR BUSINESS AND INDUSTRY APPRECIATION WEEK

The Board approved the following resolution for Business & Industry Appreciation Week:

RESOLUTION FOR BUSINESS & INDUSTRY APPRECIATION WEEK

WHEREAS, Orange County is the home of over 900 business and industry employers providing approximately 9,500 jobs and generating annual payrolls in excess of $250,000,000; and

WHEREAS, business and industry in Orange County offers a broad range of employment opportunities in agriculture, commercial and manufacturing services, and provide a stable revenue base to help support County and Town public services including education and public safety; and

WHEREAS, Orange County has always endeavored to promote balanced growth and development by recognizing the importance of its historic and scenic land and water resources along with the need to provide jobs and incomes to the citizens of Orange County and future generations; and

WHEREAS, the jobs and investments created by business and industry have contributed greatly to Orange County's growth and prosperity and recognition as one of Virginia's most outstanding communities to work and live;

NOW, THEREFORE, BE IT RESOLVED THAT: the Orange County Board of Supervisors, Gordonsville Town Council, Orange Town Council, and Orange County Chamber of Commerce hereby salute our existing business and industry employers and express sincere appreciation for their outstanding contributions to Orange County's economy and employment base;

AND BE IT FURTHER RESOLVED THAT: the week of May 11-17, 2008 is hereby declared Business and Industry Appreciation Week in Orange County and the Towns of Gordonsville and Orange.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

Chairman Johnson opened the floor for public comment. The following individual spoke: Harvey Gold, 3006 Lafayette Boulevard, Fredericksburg, commented on the status of Senate Bill 768. He requested that the Board postpone changes to its Proffer Policy until the first of the year.

RE: EMPLOYEE OF THE MONTH

Anna Mae Douthit, secretary at the Orange County Extension Office, was recognized as the Employee of the Month for April, 2008; and was also recognized for her twenty years of dedicated service to Orange County.

RE: TOURSIM CORRIDOR OVERLAY

Dan Holmes and Kenny Dotson updated the Board on the progress with the Tourism Corridor Overlay.

RE: PUBLIC HEARING: SUP 08-02 – KENWOOD LTD/VA TRACTOR

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Johnson called the public hearing to order to receive comments on the following:

- SUP 08-02: An application from Kenwood Ltd./VA Tractor for a Special Use Permit to establish an agricultural equipment and implement dealership, including maintenance and repair of said equipment and implements, to include temporary and then permanent structures and associated signage on a portion of tax map number 43-126. The property is located on State Route 15 near and adjacent to the entrance to the Thomas E. Lee Industrial Park. The proposed site is zoned Agricultural.

David Grover, Director of Community Development, gave the staff report. He concluded by saying that the Planning Commission recommends approval of the application subject to the following conditions:

1. This special use permit is to allow the owners of Virginia Tractor for a Special Use Permit (SUP) to establish an "agricultural equipment sales and service" use on a property zoned A, Agricultural. The proposed use would include ancillary uses for offices and storage of merchandise for retail sales on-site.
2. Structures brought onto the site for temporary office type uses will be located as indicated on the plan. If the use of those structures should change, then the applicant shall apply for and obtain a new Certificate of Occupancy for the new use group prior to commencing the new use.
3. The total signage area allowed on the subject site shall not exceed 350 square feet; the maximum height of any pylon sign on the subject site shall be twenty (20) feet above the nearest adjacent finished grade; only internally lighted signs shall be allowed on this site.

Signs shall be substantially as on the attached illustrations showing a twenty foot tall pylon sign with sixty-four square feet of sign area, and façade sign as illustrated.

4. Design, layout and construction of the facilities and services for the subject events shall be in substantial conformance with these conditions and the special use permit plans herein attached.
5. A commercial entrance from Litchfield Drive shall be provided that meets the requirements of VDOT.
6. Entrance improvements acceptable to VDOT shall be made and completed by the applicant.
7. Violation of these conditions, in whole or in part, may be cause for revocation of the special use permit.

Discussion ensued among the Board including: site lighting and future expansion.

Ann Lawrence Grasty, applicant, spoke in support of the application and answered questions from the Board.

At 8:12 p.m., Chairman Johnson opened the floor for public comment. The following individuals spoke: V. Rea Jones, 18140 Zachary Taylor Highway, Orange; Jack Snyder, 12574 Chicken Mountain Road, Orange; Monk Sanford, 14387 Kenwood Lane, Orange; Carolyn Sanford, 14387 Kenwood Lane, Orange; Dan Holmes, 130 West Main Street, Orange; Barbara Bannar, 12441 Kendall Road, Orange; Clinton Shiflett, 12287 Montpelier Road, Orange; and Joe Creel, 12334 Montpelier Road, Orange.

Chairman Johnson closed the public hearing at 8:29 p.m.

Discussion ensued among the Board including: hours of operation; lighting on the property and on the facility; and after hours lighting on the tower.

Mr. Frame moved, seconded by Mr. Burkett and carried, to approve SUP 08-02 as recommended by the Planning Commission with the following modifications:

<u>Uses and Design:</u>

1. This special use permit is to allow the owners of Virginia Tractor for a Special Use Permit (SUP) to establish an “agricultural equipment sales and service” use on a property zoned A, Agricultural. The proposed use would include ancillary uses for offices and storage of merchandise for retail sales on-site.
2. Structures brought onto the site for temporary office type uses will be located as indicated on the plan. If the use of those structures should change, then the applicant shall apply for and obtain a new Certificate of Occupancy for the new use group prior to commencing the new use.
3. Design, layout and construction of the facilities and services for the subject events shall be in substantial conformance with these conditions and the special use permit plans herein attached, and the “Concept Rendering for Virginia Tractor dated April 17, 2008. Evidence of compliance shall be demonstrated on a site plan submitted to and approved by Orange County.

<u>Site Lighting:</u>

The average maintained light levels for this site shall not exceed the following standards:

1. Maximum three (3) foot candles for parking lots and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
2. Maximum ten (10) foot candles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
3. Spotlighting or floodlighting to illuminate buildings, signs, or any objects mounted on a pole, pedestal or platform or used to accentuate landscaping shall consist of full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow and light trespass. The bean width shall not be greater than needed to light the feature with minimum spillover.

4. Security lighting controlled and activated by motion sensors for duration of fifteen (15) minutes or less shall be exempt from the above requirements.
5. All exterior lighting fixtures shall be directed inward and downward so to prevent light spilling off-site. Lighting levels at any property boundary shall not exceed 0.5 foot candles.
6. The applicant shall demonstrate compliance with these lighting requirements by submitting a photometric plan that has been certified by a licensed lighting engineer to the Department of Community Development.

Signage:

1. The total signage area allowed on the subject site shall not exceed 400 square feet.
2. The maximum height of any ground mounted sign on the subject site shall be thirteen (13) feet above the nearest adjacent finished grade.
3. Externally or internally lighted signs shall be allowed on this site, whichever is the least obtrusive.
4. Signs shall be substantially as on the attached illustrations showing a monolith sign with ninety-one square feet of sign area, and façade sign as illustrated on the "concept rendering for Virginia Tractor dated April 17, 2008.

Access:

1. A commercial entrance from Litchfield Drive shall be provided that meets the requirements of VDOT.
2. Entrance improvements acceptable to VDOT shall be made and completed by the applicant.

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

RE: RECESS

The Board took a short recess at 8:49 p.m. and reconvened at 8:59 p.m.

RE: UPDATE ON GORDONSVILLE LIBRARY

Glen Reynolds updated the Board on the status of the Gordonsville Library Project. Discussion ensued including: dollar differential on smaller plan versus larger plan; parking area; proposed new parking area; timeframe to break ground; bidding process; and the purchase of furniture with donations.

Mr. Goodwin moved, seconded by Mr. Frame and carried, to authorize the County Administrator to move forward with the purchase of additional property for the purpose of parking for the new Library. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PRESENTATION ON ROUTE 3 DEVELOPMENT

Julie Jordan, Assistant County Administrator, reported that for more than two years, staff has been working to seek additional physical locations for economic development projects in the County. The Thomas E. Lee Industrial Park is becoming full and the space left in the park is more suited to smaller building sites. She stated that historically and at present there is a strong manufacturing and industrial base in the western end of the County with services in place. There is a consensus that the next type of development that the County should focus on is that of technology and that the logical place for a business park would be in the eastern part of the County given the proximity to existing labor, transportation, infrastructure, and other resources. Ms. Jordan stated that a single landowner has over 1,800 acres of contiguous land on the Route 3 Corridor. Of this land, more than 900 acres have already been identified in the County's Comprehensive Plan as future Economic Development use. She noted that the development also fits in with the County's intention for a Tourism Corridor Overlay District. She stated that both the family of Charles King and Ken Dotson have been working with the County to exchange ideas and work on a plan for the future of this area. Ms. Jordan stated that County staff is

excited about the proposed plan. She concluded by saying that if staff is correct regarding business development on Route 3, it is requested that a study be done to help identify a potential target audience.

Ken Dotson briefed the Board on the proposed project. Zachary Lette, Principal with Land Planning and Design Associates (LPDA), shared a Power Point presentation with the Board showing a 20-30 year build out and future planning.

Following the presentation, members of the Board commented on the proposed project. Discussion ensued including: a conference center; proffers; the retail aspect of the project and urbanization.

RE: RECESS

The Board took a short recess at 10:55 p.m. and reconvened at 11:02 p.m.

RE: PRESENTATION ON ROUTE 3 DEVELOPMENT CONTINUED

Mr. Rolfe inquired as to how the Board wished Mr. King and Mr. Dotson to proceed on the proposed project.

Supervisors Johnson, Goodwin, and Burkett stated that the project needed to continue to move forward.

Discussion ensued regarding: definitive plans for water and sewer; and whether residential homes will need to be moved.

RE: SEPTIC SYSTEM REPAIR

Kurt Hildebrand, Director of Public Works, explained that the existing septic system serving the Animal Shelter is failing and must be repaired. Draper Aden Associates has inspected the existing system, taken samples of the effluent produced from the facility, analyzed the soils in the area of proposed additional drainfield lines, and submitted a permit application to the Virginia Department of Health for the proposed repairs. He reported that the sampled effluent indicated a high strength waste, 3 to 4 times stronger than typical domestic wastewater. The existing drainfield, designed for 750 gallons per day, cannot handle the strong waste and is failing because of organic overloading. Mr. Hildebrand stated that Draper Aden Associates proposes to provide secondary treatment, provided by a MicroFAST wastewater treatment system housed in a new 2,000 gallon septic tank, a new 2,000 gallon pump tank, associated force main and secondary drainfield consisting of 8 lines, 100 feet in length. The new drainfield lines shall be narrow, shallow lines located within the wooded area adjacent to the existing drainfield. He stated that it is believed that the existing drainfield, given time to dry, will recover and the new system can be alternated between the two drainfields, prolonging the overall life of the system.

Mr. Frame moved, seconded by Mrs. Pace and carried, to authorize the County Administrator to solicit bids for and proceed with repairs to the animal Shelter septic system. The repairs shall be in accordance with the design provided by Draper Aden Associates, plans and specifications dated April 3, 2008. The costs of design and repairs are to be paid from the contingency fund. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ANNUAL CONTRACT FOR ENGINEERING SERVICES

Kurt Hildebrand, Director of Public Works, stated that situations arise that require the services of professional engineering and architectural firms. A recent example is the failure of the septic system serving the Orange County Animal Shelter. State and local procurement policies dictate the procedure for hiring professional services. This process is time consuming and costly, especially when repeated multiple times for multiple issues. He explained that Requests for Proposals (RFP) have to be developed and advertised, then the responding firm's proposals are evaluated and ranked. The highest ranking

firms are then scheduled to be interviewed by a panel made up of County staff, generally comprising 4 – 6 County employees and in some cases members of the Board of Supervisors. Mr. Hildebrand stated that the State Code, specifically VAC 2.2-4301 (Virginia Public Procurement Act), allows localities to enter into annual contracts with architects and/or professional engineering firms, with some limitations. The contract time limit shall be one year with the option to renew the contract for two additional one-year terms. Also, the fee for any single task cannot exceed $100,000 and the total fee for any one-year contract term cannot exceed $500,000. Mr. Hildebrand explained that localities can and generally do retain multiple firms on an annual contract basis. This allows for competitive fees, while also assuring the locality that critical issues will be handled in a timely fashion. He stated that he discussed the possibility of establishing an annual contract with the County Administrator and was given permission to at least begin the process. A Request for Proposals was advertised for general engineering and architectural services. Nine firms responded to the RFP and five firms were interviewed. He indicated that from the proposals and interviews, three firms were identified as best suited to provide the services needed including: Wiley & Wilson; Draper Aden Associates; and Anderson and Associates. Mr. Hildebrand stated that the benefits of an annual contract include: the County can respond to issues much quicker and reduce costs by eliminating the need to go through the RFP/interview process for every issue that arises; and there is no cost to the County until it actually identifies a task to be performed (no retainer fee associated with the contract).

Mr. Frame moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to enter into an annual contract for General Engineering and Architectural Services with Wiley & Wilson, Draper Aden Associates, and Anderson and Associates. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REVIEW OF PROPOSALS FOR THE ZONING ORDINANCE REVISION

Deborah S. Kendall, Director of Strategic Planning, stated that in response to the Request for Proposals released at the end of January to solicit proposals for the review and revision of the County's zoning ordinance, five proposals were received. She reported that staff has reviewed the proposals and has narrowed the selection down to three firms for the purpose of conducting interviews which is the next step in the vendor selection process. Given the critical nature of the project, staff would like to know whether members of the Board wish to be involved in the vendor interview and selection process.

By consensus, the Board scheduled a meeting on Tuesday, May 6, 2008, beginning at 2:00 p.m. to interview firms for the zoning ordinance rewrite.

RE: CONTINGENCY FUND REQUEST

Karen Karasinski, Finance Director, reported that due to unanticipated utilization of the Rappahannock Juvenile Detention Center, additional funds totaling $68,000 will be needed to fulfill the current fiscal year expenses. She stated that utilization of $68,000 of contingency funds will result in an ending contingency balance of approximately $123,091.40, depending upon pending requests.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to use contingency funds in the amount of $68,000 (4-100-91400-9210) to fulfill the current fiscal year expenses for the Rappahannock Juvenile Detention Center. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPROVAL OF SWIM AND POOL FEES FOR 2008 SEASON

Julie Jordan, Assistant County Administrator, stated that staff had prepared aquatics fees for the 2008 season for the Board's review and approval. She briefly reviewed the proposed fees including: open swim daily rates; lap swim daily rates; swim lesson rates (per session); and pool rental rates for private events.

Discussion ensued including: charging out of county rates for the Madison County daycare; insurance costs; pool capacity; hours of operation and lifeguard costs.

RE: CONTINUATION OF MEETING

Chairman Johnson noted that it was nearing the midnight hour and stated that the Board of Supervisors By-laws state that all meetings of the Board shall terminate no later than midnight unless a majority of the Board present wishes to extend the meeting after midnight.

By consensus, the Board continued the meeting after midnight.

RE: APPROVAL OF SWIM AND POOL FEES FOR 2008 SEASON CONTINUED

Julie Jordan, Assistant County Administrator, continued with review of swim team rates and pool rental fees.

Discussion ensued including: lifeguard costs; location of swim meets; league participation; and out of county costs for swim team participants. Mr. Rolfe noted that children under 12 years of age will not be permitted into the pool unless supervised by an adult.

Ms. Jordan updated the Board on the status of delinquent accounts with swim team participants and proposed a possible payment plan.

Mr. Frame moved, seconded by Mr. Burkett and carried, to approve the 2008 Aquatics Fees as modified. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ORANGE FREE CLINIC

Mr. Rolfe stated that at its meeting on March 25, 2008, the Board requested additional information regarding a request from the Orange Free Clinic to use office space in the basement of the Public Works building located at 127 Belleview Avenue. Dorren Brown, Executive Director of the Free Clinic, responded that they only see patients that are Orange County residents and they only use doctors that have their offices in Orange County.

Discussion ensued including: the need to review the agreement on an annual basis and that the Clinic's financial records need to be open for review by the County.

Mr. Burkett moved, seconded by Mr. Frame and carried, to lease office space to the Orange Free Clinic in the basement of the Public Works building located at 127 Belleview Avenue. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS

Chairman Johnson nominated Marcia Poole for reappointment as a District One representative to the Orange County Library Board for a four-year term, with said term expiring June 30, 2012. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: INTERVIEW PANEL FOR SYSTEM-WIDE SCHOOL ASSESSMENT

Mr. Rolfe stated that per the Board's direction at its March 25, 2008 meeting, a Request for Proposals (RFP) has been advertised for Architectural and Engineering Services to conduct a System-Wide School Facility Assessment. The last day for acceptance of proposals is April 28, 2008. He explained that the County must establish a panel to evaluate, interview and select the firm that will provide the desired services. He concluded by saying that staff is seeking direction regarding the

makeup of the panel and inquired if the Board of Supervisors and/or School Board members wished to participate in the process.

Supervisors Burkett and Pace volunteered to serve. By consensus, the Board directed the County Administrator to contact the School Board to offer two School Board members the option to participate.

RE: SPECIAL USE PERMIT FOR COMMERCIAL AREA

Supervisor Pace requested that this item be added to the agenda for discussion. She requested that a public hearing be advertised for consideration of an ordinance amendment that would require a Special Use Permit for any building over 30,000 feet.

Discussion ensued including: how this differs from the zoning ordinance, subdivision ordinance and comprehensive plan; and the reasoning for only targeting big box commercial business.

By consensus, the Board requested that this item be added to the next agenda for further discussion.

RE: SIX YEAR ROAD IMPROVEMENT PLAN

Supervisor Pace requested that this item be added to the agenda for discussion. She stated that a field trip with VDOT would be a good idea to review roads on the Six Year Plan and requested that a date be scheduled with VDOT. Chairman Johnson briefed the Board on the process that the Board has historically used for the Six Year Plan.

By consensus, the Board directed Mr. Rolfe to contact Don Gore, VDOT Resident Engineer, to schedule a road trip.

RE: PENDING ITEMS

Proffer Policy Update

Mr. Frame requested that the following items be added to the list of pending items: tax year to budget year; comprehensive review of the Capital Improvements Plan; wireless project; illegal immigration; lighting ordinance; and completion of the backlog of minutes.

RE: INFORMATION ITEMS

The following items were presented to the Board for its information:

- Treasurer's Report;
- Culpeper Soil and Water Conservation District Minutes of March 4, 2008.

RE: CALENDAR

The Board received copies of its calendar for the months of April, May and June, 2008.

RE: RECESS

At 1:00 a.m., there being no further business to discuss, the meeting was recessed to Tuesday, May 6, 2008, at 2:00 p.m.