BOARD OF SUPERVISORS MINUTES **October 28, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 28, 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; and Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: BUDGET WORKSESSION

Karen Karasinski, Finance Director, briefed the Board on a preliminary budget review.

Discussion ensued including: fiscal stability; how to assure that the County is meeting fiscal stability requirements; Comprehensive Services Act (CSA); Governmental Accounting Standards Board (GASB) statement; and Virginia Public School Authority (VPSA) School Bonds.

RE: RECESS

The Board recessed the meeting at 6:07 p.m. and reconvened at 7:00 p.m. at Prospect Heights Middle School.

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 as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION		AMOUNT	Funding Source
Sheriff	Forfeited Assets	$	199.04	Asset Forfeiture revenue
Subtotal Sheriff		**$**	**199.04**	
Landfill-Litter Control	Part time wages	$	4,747.00	Litter Control Grant
Landfill-Litter Control	Postage	$	250.00	Litter Control Grant
Landfill-Litter Control	Litter Projects	$	5,978.00	Litter Control Grant
Landfill-Litter Control	Office Supplies	$	150.00	Litter Control Grant
Subtotal Landfill		**$**	**11,125.00**	
Animal Shelter	Pet ID Microchip	$	865.00	Donations
Animal Shelter	Pet ID Microchip	$	1,370.00	Donations
Subtotal Animal Shelter		**$**	**2,235.00**	
Human Resources	Cobra	$	777.29	Expenditure Refund
Subtotal Human Resources		**$**	**777.29**	
	Total, This Request	**$**	**14,336.33**	
	Fiscal Year to Date Total	**$**	**147,260.71**	

RE: MINUTES

The Board approved the minutes of September 9, 2008 - Regular Meeting and September 23, 2008 - Regular Meeting as presented.

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

There were no speakers for public comment.

RE: BOARD COMMENT

The Board members made no comments at this time.

RE: ACTION ITEMS

RE: GIBBONS APPEAL

Chairman Johnson stated that this issue was discussed at the October 14, 2008 Board of Supervisors meeting at which time the Board postponed its decision until the October 28, 2008 meeting.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to deny the appeal. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: VERIZON DEED OF EASEMENT

Mr. Rolfe stated that a Deed of Easement had been received from Verizon concerning the relocation of telephone lines at the Orange County Airport from above ground to underground. He explained that the Department of Aviation has required that the phone lines be moved so that there are no obstructions to the runway. Mr. Rolfe noted that this project is part of the Airport Improvement Plan and is funded by 95% Federal, 3% State, and 2% local funding. He stated that the project is also in the County's approved CIP and funds have been budgeted for the project this fiscal year. He stated the execution of the Deed of Easement is necessary before Verizon will lower the lines.

Mr. Burkett moved, seconded by Mr. Frame and carried, to authorize the County Administrator to execute the Verizon Deed of Easement as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: SCHEDULE PUBLIC HEARING REGARDING RESOLUTION FOR CENTRAL VIRGINIA REGIONAL JAIL AUTHORITY

Mr. Frame stated that, at the October 14, 2008 meeting, he had distributed information regarding the establishment of a Regional Jail Authority. He noted that a public hearing is required to transfer property that the County owns.

Mr. Frame moved, seconded by Mr. Burkett and carried, to schedule a public hearing on November 25, 2008 to consider a resolution for the formation of a Central Virginia Regional Jail Authority and the transfer of the County's property rights in the property currently utilized by the Central Virginia Regional Jail Board to the Central Virginia Regional Jail Authority. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: HOLIDAY SCHEDULE

Chairman Johnson requested that this item be added to the agenda for discussion. He stated that all of the Board members have been contacted by the Constitutional Officers regarding the Courthouse running on a different holiday schedule.

Discussion ensued including: options for the Board to consider; termination of agreement with the Clerk of the Circuit Court; agreement implies that the Judge controls the courthouse and has the authority to do so; and clarification of the agreement with the Clerk of the Circuit Court.

Linda Timmons, Clerk of the Circuit Court, commented on the Judge's schedule for the courthouse.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Goodwin nominated Lloyd Garnett for reappointment to the Economic Development Authority as the District Three representative for a four year term, with said term expiring December 31, 2012.

Mr. Frame nominated Winston Sides for reappointment to the Economic Development Authority as the District Five representative for a four year term, with said term expiring December 31, 2012.

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

RE: DISCUSSION ITEMS

RE: AMBULANCE TRANSPORT

Supervisor Frame requested that this item be added to the agenda for discussion. He stated that ambulances in the Barboursville area are not achieving the standards for responding to calls due to patients from Orange being transported to UVA or Martha Jefferson hospitals rather than the closest hospital. He stated that Medicare requires that patients be taken to the closest facility. Therefore, he requested that the County Administrator and the Fire & EMS Director draft a policy of where to transport patients.

By consensus, the Board approved Supervisor Frame's request.

RE: PUBLIC HEARING: DRAFT SUBDIVISION ORDINANCE

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 public comment on the following:

- Draft Subdivision Ordinance

Deborah S. Kendall, Director of Strategic Planning, briefly reviewed the proposed changes to the Subdivision Ordinance.

At 7:34 p.m., Chairman Johnson opened the floor for public comment:

The following individuals spoke: V. Rae (Ray) Jones, 18140 Zachary Taylor Hwy., Orange; William H. Hedger, Sr., 32453 Constitution Hwy., Locust Grove; Billy Bahre, 1915 Anderson Rd., Falls Church; James B. Terrill, Grasty Ln. Orange; Herbert Lee Jenkins, Jr., 32740 Indiantown Rd., Locust Grove; Courtney Barnes, 8011 Burr Hill Rd., Rhoadesville; Allene Squires, 7032 Hot Rod Lane, Locust Grove; Clifton Barnes, 8011 Burr Hill Rd., Rhoadesville; John W. Carter, 25394 Constitution Hwy., Rhoadesville; Harvey Gold, 3006 Lafayette Blvd., Fredericksburg; Douglas Crain, 146 Monticello Circle, Locust Grove; Diane Strong, 3495 Hamm Rd., Barboursville; John Bangs, 22140 Monrovia Rd., Orange; Barbara A. Wigger, 29648 Zoar Rd., Burr Hill; Carla Bangs, 22140 Monrovia Rd., Orange; Susan L. Evans, 3303 Beechcraft Dr., Alexandria; Dale Spurzem, 6496 Old Meetz Rd., Warrenton; James Strong,

3495 Hamm Rd., Barboursville; Donald Hirsh, 32290 Gadsden Ln., Locust Grove; Gary A Hampton, 34399 Hampton Hills Rd., Locust Grove; Vincent Kelly, 14639 Tower Rd., Unionville; James Crozier, 9651 Meadows Rd., Mine Run; Wylie Herndon, 15345 Willow Spring Rd., Orange; Evelyn Mink, 17149 Sunny Hollow Ln., Barboursville; George D. Yancey, 16170 Cox Mill Rd., Gordonsville; Robert B. Page, 12298 Kendall Rd., Orange; Gerald Walker, 7010 Thomas Byrd Dr., Culpeper; Ken Dotson, 33225 Constitution Hwy., Locust Grove; John Parker, 3026 Fox Mill Rd., Oakton; Paul Gauthier, 9200 Church St., Suite 400, Manassas; Chris Haney, P.O. Box 135, Barboursville; Yvonne Sabine, 1343 Scotts Run Rd., McLean; John A. Trohan, 19459 Lahore Rd., Orange; Claude T. Taylor, 25208 Claudis P.D., Rhoadesville; Vicky Urcuyo, 1843 Abbots Ford Dr., Vienna; Nancy Wiley, 16104 Montebello Rd., Orange; David Thompson, 11535 Marquis Rd., Unionville; Allen Huffman, 29104 Essex Ln., Rhoadesville; Steve Brooks, 13611 Belvedere Dr., Montpelier Station; Pat Dietch, 21161 Lahore Rd., Orange; Michael Kevin Murphy, 26430 Tatum Rd., Unionville; Doris Du Lac, 17108 Douglas Rd., Barboursville; Denise Lohr, 16649 Mt. Track Rd., Orange; Adrianna Waddy, 22472 Strawberry Hill Rd., Rhoadesville.

RE: RECESS

The Board took a short recess at 9:08 p.m. and reconvened at 9:19 p.m.

RE: PUBLIC HEARING: DRAFT SUBDIVISION ORDINANCE - CONTINUED

George Johnson, 32969 Indiantown Rd., Locust Grove; Grover Wilson, 27180 Constitution Hwy., Rhoadesville; Howard Murphy, 123 Eley Rd., Fredericksburg; Daniel Denny, 32934 Indiantown Rd., Locust Grove; Kurt Christensen, 29167 Eley's Ford Rd., Richardsville; Martha Harris, 24451 Oak Green Rd., Culpeper; Doc Garnett, 7271 Old Rapidan Rd., Rapidan; Dan Holmes, 130 W. Main St., Orange; George Rabbitt, 12544 Cox Mill Rd., Gordonsville; Nancy Quann, 10803 Rolling Wood Dr., Fredericksburg; Jenny Dolton, 32551 Indiantown Rd., Locust Grove; Harry H. Hopkins, Jr., 4401 Governor Almond Rd., Locust Grove; Greg Quann, 10810 Rolling Wood Dr., Fredericksburg; Barry Quann, 5510 Leavells Crossing Dr., Fredericksburg; Garry Hale, 13096 Kendall Rd., Orange; Jonathan Chasen, 7165 Cornfield Ln., Fredericksburg; Randall Rhoades, Box 521, Orange; Mildred Gray, 19656 Airmont Road, Round Hill; Sharon Nichols, Leesburg; Bill Nowers, 106 Ramsay Rd., Locust Grove; Al Caldwell, 18048 Birmingham Rd., Culpeper; Roderic Slayton, 6094 Blue Run Rd., Somerset; Gaylord Walker, 7016 Westbury Rd., McLean; Grace Anne Veen, 9335 Grasty Gold Mine Rd., Rhoadesville; Robert Chambers, 33285 Mason Rd., Locust Grove; Bill Speiden, 12046 Blue Hill Dr., Somerset; Randy Justice, 34245 Indiantown Rd., Locust Grove; Rod Ahlfield, 30195 Zoar Rd., Burr Hill; Karl Hellinger, 531 Plantation Dr., Penhook; Richard Oliver, 21415 Monrovia Rd., Orange; John Snyder, 12574 Chicken Mtn. Rd., Orange; Tony Wilson, 27388 Mine Run Rd., Rhoadesville; Gladys S. Wilson, 921 Taylor St., NE, Washington, DC; Jack Miller, 11601 Montford Rd., Orange; Bill Barnes, 482 Promised Land Ln., Locust Grove; Steve Yelton, 15620 Burnley Rd., Barboursville; Chris Myers, 12153 Rusty Ln., Orange; Michael Bermel, 12058 Scotts Mill Rd., Culpeper; Wells Waugh, 5125 Bushy Mtn. Rd., Culpeper; Tom Bundy, St. Just Rd., Unionville.

The following letters were received: Charles F. Tyeryar, 1651 S. Pinellas Avenue, #138, Tarpon Springs, FL; Dwight Boston, LCSW, 12290 Daffodil Lane, Unionville; J. Thomas Gale, L. S., President, Monticello Chapter of the Virginia Association of Surveyors, Roudabush, Gale & Assoc., Inc., 914 Monticello Road, Charlottesville; William A. Cooke, PO Box 462, Louisa; Doris C. Long; McGregor A. and Audrey T. Conliffe, 1409 Kalmia Road, N. W., Washington, D.C.; and Nancy S. Mackall.

There being no further speakers, Chairman Johnson closed the public hearing at 10:42 p.m.

Mr. Burkett stated that there is much misunderstanding about what the ordinance is. He stated that the minimum lot size will remain two acres in agricultural zoning whether the proposed ordinance is approved or not. He indicated that he is opposed to sending a tax bill to your neighbor to improve your property rights.

Mr. Goodwin stated that the proposed ordinance is too harsh. He stated that there needs to be something realistic that everyone can get along with.

Mr. Burkett commented on the road restrictions which were requested by Fire and EMS.

Mr. Frame stated that people are concerned about property values dropping, but agricultural land and forested land don't use the degree of services that residential land uses. Costs are then driven up for everyone else. Businesses are attracted to the area. Property rights end when they infringe on others.

Mrs. Pace stated that the subdivision ordinance is very important for the County. It is disappointing that so many citizens didn't get the proper information. The average citizen in Orange County should be represented and that is what the more restrictive ordinance does. She commented on the volume of growth in the County over the past three years and the state mandates regarding urban development. She stated that there is a big expense to by-right development. Mrs. Pace stated that exponential division has cost the taxpayers.

Mr. Johnson stated thanked everyone for coming. He quoted Thomas Jefferson concerning the spirit of resistance. He stated that the way to control growth is by turning down subdivisions not taking property rights away. He stated that the more rules and regulations you have, the more people you have to hire to enforce them. The taking away of rights from the people and giving it to government is only justified when either security or immediate health and welfare are endangered. If the ordinance is approved, power will be transferred from the citizens of Orange County to the government. The Orange County Department of Community Development will decide how best to divide property. He commented on land values and other localities which have restricted land development. Taking away the rights of the citizens of Orange County because of a handful of people is wrong. He concluded by saying that he cannot support the ordinance as it is written. There would have to be major changes made to several different parts of it being voting for it.

Mrs. Pace stated that the ordinance addresses the people who are abusing the system; therefore, the exponential division of land will stop. There can't be an ordinance drafted to address everyone's problems. She stated that the proposed ordinance will allow opportunity for those who aren't abusing it. Mr. Johnson stated that the only thing in the ordinance that is being abused is the family subdivision to get around the zoning ordinance. No one else has been abusing it because they are following the law which says they can divide their land. Mrs. Pace stated commented on agriculturally zoned land and developing it by-right for residential purposes. Mr. Johnson stated that in 1968, when the first zoning ordinance was adopted, there was no notion that the property was going to remain agricultural forever. Mrs. Pace stated that not everything is going to be suitable for rezoning. She voiced concern about substandard roads and water issues.

Mr. Frame made a motion to adopt the subdivision ordinance as advertised. Mr. Burkett seconded the motion. Mr. Johnson commented on the proposed requirements for alleys and pedestrian ways. Mr. Frame questioned Mr. Johnson why he didn't make objections during the discussions of the subdivision ordinance. Ayes: Burkett, Pace, Frame. Nays: Johnson, Goodwin.

RE: <u>RECESS</u>

The Board took a short recess at 11:29 p.m. and reconvened at 11:42 p.m.

RE: <u>DISCUSSION ITEMS CONTINUED</u>

RE: <u>GORDONSVILLE ANNEXATION</u>

Chairman Johnson requested that this item be added to the agenda for discussion. He stated that Bob Coiner, Mayor of the Town of Gordonsville, contacted him about the suggested changes sent to with two exceptions:

- Making Gordonsville responsible for the proffers: if a rezoning is ordered by the court, the Town of Gordonsville would not be responsible for paying the proffers to the County; and
- County to control the zoning: the Town would like a time limit in years.

By consensus, the Board asked the County Administrator and the Interim County Attorney to work with the Town of Gordonsville on these issues.

RE: LANDFILL FEES

Chairman Johnson requested that this item be added to the agenda for discussion. He stated that he had received a call from the Director of Public Works who reported that a commercial hauler was unhappy that they were not given thirty (30) days notice of a fee increase.

Mr. Frame stated that the Board might want to consider this in the future.

No action requested or taken.

RE: BOARD OF SUPERVISORS TAPES TO THE LIBRARIES

Supervisor Pace requested that this item be added to the agenda for discussion. She requested that copies of Board of Supervisors meetings (DVD and/or audio) be placed in the public libraries to citizens to check-out.

By consensus, the Board directed staff to provide copies of the Board meetings to the libraries for citizens to check out.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Letter from the Auditor of Public Accounts.

RE: PENDING ITEMS

- Wireless Project
- Illegal Immigration
- Lighting Ordinance
- Noise/Nuisance Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of October, November and December, 2008.

RE: ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:51 p.m. upon a motion by Mr. Frame and seconded by Mr. Burkett. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.