

BOARD OF SUPERVISORS MINUTES

JANUARY 8, 2013

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, January 8, 2013, beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Shannon C. Abbs; James (Jim) K. White; S. Teel Goodwin; Grover C. Wilson; and Lee H. Frame. Also present: Julie G. Summs, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ORGANIZATIONAL MEETING

Ms. Summs called the organizational meeting to order and stated that the first order of business was to elect a Chairman for the 2013 year.

RE: ELECTION OF CHAIRMAN

Mr. Frame moved, seconded by Mr. White and carried, to nominate and appoint Supervisor Teel Goodwin as Chairman for 2013, with said Chairmanship expiring on December 31, 2013.

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

RE: ELECTION OF VICE CHAIRMAN

Mr. White moved, seconded by Mr. Goodwin and carried, to nominate and appoint Supervisor Lee Frame as Vice Chairman for 2013, with said Vice Chairmanship expiring on December 31, 2013.

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

RE: APPOINTMENT OF CLERK AND CHIEF DEPUTY CLERK

Mr. White moved, seconded by Mr. Frame and carried, to appoint Julie G. Summs to serve as Clerk and Alyson A. Simpson to serve as Chief Deputy Clerk to the Orange County Board of Supervisors for 2013.

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

RE: DETERMINATION OF TIE BREAKER

Mr. Frame moved, seconded by Mr. White and carried, to approve the determination of the tie breaker as presented and as previously approved.

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

RE: DETERMINATION OF 2013 REGULAR MEETING SCHEDULE

Mr. Frame moved, seconded by Mr. White and carried, to adopt the following resolution establishing the 2013 Board of Supervisors Regular Meeting Schedule, as presented:

A RESOLUTION TO ESTABLISH THE
2013 BOARD OF SUPERVISORS REGULAR MEETING SCHEDULE

WHEREAS, Section 15.2-1416 of the Code of Virginia, 1950, as amended, requires this Board to adopt a resolution setting forth the days, times, and place of the regular meetings of the Board to be held during the ensuing months.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Orange County Board of Supervisors regular meetings will be held in the Gordon Building, 112 West Main Street, Orange, Virginia, unless otherwise stated, on the following dates and starting at the following times:

January 8 at 4:00 PM	Organizational Meeting and Budget Worksession
January 22 at 5:00 PM	Regular Meeting and Budget Worksession
February 12 at 4:00 PM	Regular Meeting and Budget Worksession
February 12 at 7:30 PM	School Board Budget Presentation
February 26 at 4:00 PM	Regular Meeting and Budget Worksession
February 28 at 7:30 PM	Budget Worksession
March 5 at 5:00 PM	Budget Worksession
March 12 at 4:00 PM	Regular Meeting and Budget Worksession
March 14 at 5:00 PM	Budget Worksession
March 26 at 5:00 PM	Regular Meeting and Budget Worksession
April 2 at 7:30 PM	Public Hearing on Budget and Tax Levy
April 4 at 5:00 PM	Budget Worksession
April 9 at 4:00 PM	Regular Meeting and Budget Adoption
April 23 at 5:00 PM	Regular Meeting
May 14 at 4:00 PM	Regular Meeting
May 28 at 5:00 PM	Regular Meeting
June 11 at 4:00 PM	Regular Meeting
June 25 at 5:00 PM	Regular Meeting
July 9 at 4:00 PM	Regular Meeting
July 23 at 5:00 PM	Regular Meeting
August 13 at 4:00 PM	Regular Meeting
August 27 at 5:00 PM	Regular Meeting
September 10 at 4:00 PM	Regular Meeting
September 24 at 5:00 PM	Regular Meeting
October 8 at 4:00 PM	Regular Meeting
October 22 at 5:00 PM	Regular Meeting
November 13 at 4:00 PM	Regular Meeting at the Lake of the Woods Clubhouse
December 3 at 4:00 PM	Regular Meeting
December 17 at 5:00 PM	Regular Meeting

IT IS FURTHER RESOLVED, that pursuant to the authority set forth in Section 15.2-1416 of the Code of Virginia, 1950, as amended, that if the Chairman, or Vice-Chairman, is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the members to attend a regularly scheduled meeting, such declared meeting shall be continued to the following Tuesday, to begin at 5:00 PM, and to be held in the Board Meeting Room.

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

RE: ANNUAL REVIEW OF BYLAWS

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the Board of Supervisors' Bylaws as modified.

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

RE: APPOINTMENT OF BOARD MEMBERS AND STAFF TO VARIOUS BOARDS, COMMISSIONS, COMMITTEES, AND ORGANIZATIONS

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve the following list of committee assignments, as presented:

ORANGE COUNTY BOARD OF SUPERVISORS
2013 COMMITTEE ASSIGNMENTS

Economic Development Authority
Fleet Subcommittee
Solid Waste Subcommittee
Water Committee

Supervisors Frame and Goodwin
Supervisors White and Frame
Supervisors Wilson and Frame
Supervisors Goodwin and Frame

Shannon Abbs:
District One

Gordonsville Town Council Liaison
Rappahannock River Basin Commission
Thomas Jefferson Community Criminal Justice Services Board
VACo Legislative Liaison

James White:
District Two

Orange County Planning Commission
Fleet Subcommittee
Lake Anna Advisory Committee

Teel Goodwin:
District Three

Chairman of the Board of Supervisors
Airport Commission
Economic Development Authority
Orange Downtown Alliance
Orange Town Council Liaison
Water Committee
Local Emergency Planning Commission*
School Board Liaison

Grover Wilson:
District Four

Rappahannock-Rapidan Planning District Commission
Solid Waste Subcommittee

Lee Frame:
District Five

Vice-Chairman of the Board of Supervisors
Fleet Subcommittee
Lake of the Woods Board of Directors Liaison
Orange County Nursing Home Commission
Solid Waste Subcommittee
Water Committee
Economic Development Authority
Workforce Investment Board Chief Local Elected Officials (CLEO)
Tourism Liaison

**This appointment goes along with Chairmanship.*

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

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mr. White and carried, to adopt the agenda as presented.

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

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the Consent Agenda, as modified, removing the approval of minutes to allow them to be voted on separately.

RE: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
January 8, 2013 for FY2013			
Emergency Services	Equipment	\$ 15,000.00	North Anna Emer. Grant
	Subtotal Emergency Services	\$ 15,000.00	
Sheriff's Office	Triad Program	\$ 750.00	Donations
Sheriff's Office	Triad Program	\$ 600.00	Donations
Sheriff's Office	Triad Program	\$ 300.00	Donations
Sheriff's Office	Triad Program	\$ 25.00	Donations
	Subtotal Sheriff's Office	\$ 1,675.00	
Animal Shelter	Emergency Vet	\$ 4,744.80	Donations
Animal Shelter	Vaccinations	\$ 975.00	Donations
Animal Shelter	Emergency Vet	\$ 88.34	Donations
Animal Shelter	Vaccinations	\$ 975.00	Donations
	Subtotal Animal Shelter	\$ 6,783.14	
Library	Computer Hardware	\$ 18,427.50	Donations-E-Rate
	Subtotal Library	\$ 18,427.50	
Litter Control	Professional Services	\$ 4,740.00	Litter Grant Revenue
Litter Control	Postage	\$ 72.00	Litter Grant Revenue
Litter Control	Litter Projects	\$ 5,271.00	Litter Grant Revenue
Litter Control	Office Supplies	\$ 250.00	Litter Grant Revenue
	Subtotal Litter Control	\$ 10,333.00	

RE: APPROVAL OF PARKS AND RECREATION FOUNDATION MEMORANDUM OF UNDERSTANDING (MOU)

The Board authorized the County to enter into the Memorandum of Understanding with the Orange County Parks and Recreation Foundation and to execute said agreement, as presented.

RE: RETENTION OF COUNTY VEHICLE

As detailed in the memorandum provided to the Board from Stephanie Straub, Procurement and Grant Coordinator, she had received a request from the Planning and Zoning Department to retain a 2000 Jeep (VIN # 1022) that had been previously declared surplus. She noted that the vehicle was declared surplus by the Board per a request from staff on December 4, 2012. Ms. Straub further noted that because of unforeseen mechanical problems with another County vehicle, it was necessary for this Jeep (VIN # 1022) to be retained for use at this time.

The Board approved the retention of a 2000 Jeep (VIN # 1022), and authorized the County Administrator to remove the vehicle from surplus and provide it to the Planning and Zoning Department for use.

RE: MINUTES

Mr. Frame moved, seconded by Mr. White and carried, to approve the December 18, 2012 Regular Meeting minutes, as presented.

Ayes: Goodwin, Frame, White. Nays: None. Abstentions: Abbs, Wilson.

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award to Gregg Zody, Planning and Zoning Director, for January 2013.

RE: SERVICE AWARDS

Receiving a Service Award, but not in attendance at the meeting, was:

- Teresa Burruss 20 years Circuit Court

RE: BUSINESS SPOTLIGHT

Mr. Paul Curtis, Owner of Lake of the Woods True Value, appeared before the Board to spotlight his business. He discussed the history of his business, and explained that he had taken over the business several years ago. Mr. Curtis explained that LOW True Value was a rental, repair, maintenance, and product company, and explained the services and hours of operation.

The Board thanked Mr. Curtis for his presentation.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE

Mr. Roy Tate, Jr., Acting Residency Administrator, appeared before the Board for his quarterly update. He discussed his monthly report for January 2013, which included information on projects on Lahore Road, Catharpin Road, and Indiantown Road, as well as an update on an upcoming guardrail repair project. Mr. Tate explained that there were not many activities going on regarding the weather, and there were minor road repairs taking place as reported or discovered. He concluded his report by notifying the Board that David Pearce, the new Acting Residency Administrator, would be beginning soon and he would be in attendance for the next quarterly update.

Discussion ensued among the Board regarding: current project activity on Catharpin Road; the process involved in the Catharpin Road project; a request for maintenance on Greenwood Road; and devolution.

The Board thanked Mr. Tate for his presentation.

RE: PUBLIC COMMENT

At 4:33 p.m., Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor Frame provided comment on CPMT and FAPT meetings, which were part of CSA and the Office on Youth. He stated that those meetings were very enlightening and he was planning on sitting in on another meeting again in the future, and invited other Board members to do the same.

RE: ACTION ITEMS

RE: HEAT PUMP FOR SEDWICK BUILDING

Kurt Hildebrand, Public Works Director, explained to the Board that the second floor of the Sedwick Building was currently without heat and that the problem had been diagnosed. He explained that the control system was antiquated and could not be repaired, but the system had been overridden and heat was being provided through the use of small space heaters.

Mr. Hildebrand noted that he had solicited several quotes which ranged in price, and had received a quote from Honeywell for \$35,000. He explained that the cost for this repair could be covered using carry forwards and money from current year savings, but he was seeking approval to proceed with emergency procurement so that the repair could take place.

Mr. Hildebrand further noted that this repair was not anticipated; therefore, it had not been previously included in the Capital Improvement Plan (CIP) budget. He indicated that he was going to plan ahead by scheduling replacement of the first floor control system in the CIP for the future.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize staff to proceed with emergency procurement for the heat pump control system on the second floor of the Sedwick Building utilizing funds from FY13 savings and carry forwards out of the Public Works budget.

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

RE: CHANGES TO RECENT FARM STAND RELATED SPECIAL USE PERMITS (SUPS)

Gregg Zody, Planning and Zoning Director, reviewed the memorandum he had provided to the Board, which contained information and a comparative table on Special Use Permits (SUPs) for Grelen, Hopwood, and Liberty Mills.

Discussion ensued among the Board regarding: the different uses of the subject properties; similarities in the SUPs; differences in the SUPs; and the "on-site grown" requirement. Questions arose as to whether or not the SUPs superseded the current Zoning Ordinance, and how the differences in the SUPs should be, or could be, addressed.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to request that staff send a letter to the applicants for Hopwood and Liberty Mills notifying them that amendments could be made to their SUPs by submitting a revised SUP application and proceeding through the process again.

Ayes: Abbs, Wilson, Frame. Nays: White, Goodwin.

RE: RESOLUTION TO ACCEPT DEED OF DEDICATION OF RIGHT-OF-WAY FROM WALMART AND DETERMINATION OF COMPREHENSIVE PLAN CONSISTENCY

Mr. Frame moved, seconded by Mr. White and carried, to adopt the following resolution as presented:

ACCEPT DEED OF DEDICATION OF RIGHT-OF-WAY FROM WALMART AND
DETERMINATION OF COMPREHENSIVE PLAN CONSISTENCY OF DEDICATION/DONATION

WHEREAS, Walmart Real Estate Business Trust ("Walmart") desires to dedicate to Orange County, right-of-way ("ROW") across its property (Tax Map Nos. 24-08 and 24-10) near the intersection of Route 3 and Route 20 that would allow the County to facilitate a long range objective of providing an access road parallel to Route 3; and

WHEREAS, the Board of Supervisors understands that Walmart intends to donate the balance of the property which it owns at the intersection of Route 3 and Route 20 to the Commonwealth of Virginia; and

WHEREAS, Walmart desires a determination by the Board as to whether such dedication and donation, respectively, are consistent with the Orange County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby accept from Walmart Real Estate Business Trust the dedication of right-of-way to Orange County, on the aforesaid property with Tax Map Nos. 24-08 and 24-10, as shown on the attached deed and exhibit, and authorizes its Chairman to execute an acceptance of a deed from Walmart in a form attached hereto or otherwise as approved by legal counsel; and

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby determine that the dedication of said ROW is consistent with the Comprehensive Plan goal to “[c]ontinue obtaining ‘right-of-way’ from parcels as they develop north of Route 3 for a parallel roadway to create an interconnecting parkway to serve all developments;” (page 71); and does hereby further determine that Walmart’s donation of the remainder of Tax Map Nos. 24-08 and 24-10 to the Commonwealth of Virginia is not inconsistent with one of the stated objectives of the Comprehensive Plan to “promote preservation of appropriate historical sites, areas and buildings;” (page 60); and the Board authorizes the County Administrator to sign a letter advising Walmart of these determinations, upon receipt of the executed deed of ROW from Walmart.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: DISCUSSION ITEMS

RE: UPDATE ON CDBG PLANNING GRANT FOR ROUTE 20 SEWER PROJECT

Karen Epps, Economic Development Director, provided an update on the CDBG Planning Grant for the Route 20 Sewer Project. Her update included information on the potential for financial commitment from the Town of Orange; the Board’s level of commitment to the project; the difference between the current planning grant and the construction grant; and the ability to phase the project.

Discussion ensued among the Board regarding: the possibility for financial commitment from the Town of Orange; which portion of the project to consider proceeding with; the implied commitment to the project that came with applying for the grant; potential costs that could be covered with the planning grant; and the collection of historical data from the Department of Housing and Community Development regarding past grant awards for similar projects.

By consensus, the Board authorized staff to contact the Orange Town Council to provide an official response regarding their possible financial commitment to the Route 20 Sewer Project, and requested that staff collect historical data from the Department of Housing and Community Development regarding past funding approvals under this planning grant and to similar projects.

RE: PERFORMANCE CONTRACTING; ORANGE COUNTY PUBLIC SCHOOLS

Glenda Bradley, Finance Director, reviewed the memorandum she provided to the Board, and addressed the potential impact of a \$6.2 million energy performance contracting lease currently being considered by the School Board. She stated that per the opinion of the County Attorney, the performance contracting lease was considered debt and that these types of

financing leases were created as a way to bypass the requirement by the Virginia Constitution that debt be submitted to the voters by way of a referendum. Ms. Bradley added that the performance contracting lease would have an impact on the County's "debt service to expenditures" ratio as well as their ability to borrow additional money.

Ms. Bradley noted that the vendor selected by the School Board had agreed to "guarantee" the payment of the lease for that portion of the project which was related to energy savings equipment. She further noted that staff was told the following important facts by the vendor:

- The guarantee amount would be reviewed yearly;
- "Energy penalties" could be assessed against the guaranteed lease payment due to human error and other causes; and
- The lease would be greater than just the energy savings equipment and the Schools would be required to cover the excess.

In conclusion, Ms. Bradley stated that staff asserted the following:

- The ability to complete the capital projects was compelling;
- The \$6.2 million lease would have a dramatic impact on County-wide CIP projects;
- Once there was a 3-5 year track record, the lease could potentially be argued to be more like the Nursing Home portion of County debt and thus argued outside of the 15% "debt service to expenditures" ratio;
- The lease would go against the \$10 million Bank Qualified debt issuance available to others projects, but this was only for the year in which the lease was begun; and
- While \$6.2 million was the current estimate, staff did not know at this time the exact amount of the performance contract lease or the exact amount of the guarantee.

Discussion ensued among the Board regarding: phasing the lease or only performing portions of the projects; assumptions about energy costs; inflation factors; the idea that energy costs were being reduced, but debt costs were being increased; the energy policy throughout the schools; projects that were not energy related; future increases in energy costs; the impact on the County's credit rating; and how the money for the lease payment would be tracked in the School Board budget.

The Board entertained the concept of Performance Contracting being considered by the School Board and appreciated the information being provided. The discussion highlighted the fact that the lease arrangement could have an effect on the County's ability to borrow additional funds in the next 2-3 years. After discussion and consideration of the matter, the Board raised no objection to the School Board proceeding.

RE: UPDATE ON STORMWATER MANAGEMENT REGULATIONS

Gregg Zody, Planning and Zoning Director, provided an update to the Board on Stormwater Management Regulations. He explained that following a meeting he attended with the RRRC, he learned that there would not be much local control and that County staff would have to perform the required inspections while the State would still get their share of the fees. Mr. Zody explained that there would be new requirements for projects with greater than one acre of land disturbance, and that there would be higher fees for new construction related to these regulations.

Discussion ensued among the Board regarding: uncertainty in the regulations at the State level; what would be done with stormwater on project sites; low impact designs; and benchmarks in the regulations.

By consensus, the Board requested that Gregg Zody, Planning and Zoning Director, report back to the Board every couple months regarding changes and updates to the Stormwater Management Regulations, especially when benchmarks were approaching.

RE: TV WHITE SPACE BROADBAND

Supervisor White shared with the Board that CVALink, a company from Louisa County, was the service provider for the TV White Space Broadband technology, and that he was interested in Orange County joining Louisa County in the project. He said that a resolution was approved by the Board of Supervisors in Louisa County and staff had contacted them to receive a copy so that a similar resolution could be adopted by the Board in Orange County and sent to the FCC in support of the project. Supervisor White explained that there was no money, franchise agreement, or contract involved in this project.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report
- CSA Monthly Report for November
- Animal Shelter Bi-Annual Report
- Update on Advisory Committee Chair Meeting.

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of January, February, and March 2013.

RE: CLOSED MEETING

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matters:

- One (1) matter concerning the discussion of the award of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(29) of the Code of Virginia.
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia.

WHEREAS, pursuant to §§2.2-3711(A)(7) and (29) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby authorized discussion of the aforesated matters in Closed Meeting.

RE: CERTIFICATION OF 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 hereby certified 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.

RE: PUBLIC HEARING #1

Gregg Zody, Planning and Zoning Director, reviewed his staff report with the Board, which contained information on the location of the property, zoning of the property, the request from the applicants, Philip and Merrill Strange, and the recommendation of approval from staff.

The Board questioned whether or not a determination was made between rezoning to Agricultural or Agricultural Conservation, and Mr. Zody reported that the recommendation was for Agricultural.

Philip Strange, applicant for this request, discussed the history of the property, from when it was originally owned by his family and the Annadale rezoning in 2006. He stated that his request was to 1) amend the Comprehensive Plan designation, 2) remove the proffers on the property associated with the Annadale rezoning, and 3) rezone the property from Residential to Agricultural.

At 7:39 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

CPA 12-01: Amendment of the "Future Land Use Map 2025" of the Orange County Comprehensive Plan for property totaling ± 244 acres, owned by Philip and Merrill Strange, and located south of Route 33, approximately one mile west of the Gordonsville town limits. The Future Land Use Map amendment would change the designation from Residential Land Use to Agricultural or Agricultural Conservation Land Use. The properties are identified on Orange County Tax Maps as parcels 68-32, 68-32A, 68-32B, and 68-32C.

PROFFER MODIFICATION 12-01: A request from Philip and Merrill Strange, landowners, for a removal of proffers, accepted when the subject property was rezoned in 2006, to allow for a Planned Development Residential (R-3). The landowners request that all proffers accepted by the Orange County Board of Supervisors on July 11, 2006, be removed from the property. The property is identified on County Tax Maps as parcels 68-32, 68-32A, 68-32B, and 68-32C, and is located south of Route 33, approximately one mile west of the Gordonsville town limits.

REZ 12-02: An application from Philip and Merrill Strange, landowners, to rezone approximately 244 acres from Planned Development Residential (R-3) to Agricultural (A). The property is located south of Route 33, approximately one mile west of the Gordonsville town limits. It is identified on Orange County Tax Maps as parcels 68-32, 68-32A, 68-32B, and 68-32C.

There being no speakers, Chairman Goodwin closed the public hearing at 7:39 p.m.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to adopt the following ordinance, as presented:

TAX MAP NO. 68-32, 68-32A, 68-32B, AND 68-32C:

CPA 12-01 – AMEND THE COMPREHENSIVE PLAN FROM RESIDENTIAL TO AGRICULTURAL OR AGRICULTURAL CONSERVATION;

PROFFER AMENDMENT/REMOVAL; AND

REZ 12-02 – REZONING APPROXIMATELY 244 ACRES FROM PLANNED DEVELOPMENT RESIDENTIAL (R-3) TO AGRICULTURAL (A)

WHEREAS, Philip and Merrill Strange have asked the Orange County Board of Supervisors to amend the Comprehensive Plan Future Land Use Designation of their property, Tax Map No. 68-32, 68-32A, 68-32B, and 68-32C, totaling approximately 244 acres from Residential to Agricultural or Agricultural Conservation Residential; and

WHEREAS, Philip and Merrill Strange have asked the Orange County Board of Supervisors to amend/remove the proffers associated with their property, the subject property, which were accepted on July 11, 2006; and

WHEREAS, Philip and Merrill Strange have asked the Orange County Board of Supervisors to rezone their property, the subject property, totaling approximately 244 acres from Planned Development Residential (R-3) to Agricultural (A); and

WHEREAS, the Department of Planning and Zoning recommended approval of the proposed Rezoning and Proffer Amendment/Removal as well as approval of the Comprehensive Plan Amendment to Agricultural Conservation; and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Rezoning, Proffer Amendment/Removal, and Comprehensive Plan Amendment on November 15, 2012; and

WHEREAS, the Planning Commission reviewed the requests for the Rezoning, Proffer Amendment/Removal, and Comprehensive Plan Amendment and determined that the requests were consistent with the Comprehensive Plan's surrounding Future Land Use Designations as Agricultural Conservation, and, as such, recommended approval of the rezoning from Planned Development Residential (R-3) to Agricultural (A) and removal of the proffers associated with the rezoning on the subject property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Rezoning, Proffer Removal, and Comprehensive Plan Amendment;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves the request from Philip and Merrill Strange to rezone Tax Map No. 68-32, 68-32A, 68-32B, and 68-32C, containing approximately 244 acres, from Planned Development Residential (R-3) to Agricultural (A), to remove all proffers associated with the 2006 rezoning, and to amend the Comprehensive Plan from Residential to Agricultural Conservation.

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

RE: PUBLIC HEARING #2

Thomas Lacheney, County Attorney, explained to the Board that this amendment to the Orange County Code of Ordinances was required to align the County Code with the State Code. He stated that this amendment would allow the Treasurer to charge only the exact amount being charged by the institution for payments made by credit card.

At 7:43 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

Proposed amendment to County Code - Sec. 58-56: Payment of taxes by credit card.

Pursuant to the authority of Code of Virginia, §2.2-614.1 ~~§ 58-1-3013~~, the treasurer may accept payment of local taxes, fees, and charges by use of a credit card. ~~The amount of service charge a treasurer may levy is 4.5 percent or \$6.00.~~ The treasurer may levy a service charge not to exceed the actual fee charged to Orange County by the bank or financial institution processing the payment.

There being no speakers, Chairman Goodwin closed the public hearing at 7:43 p.m.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the following ordinance as presented:

AMENDMENTS TO §58-56 OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING FEES CHARGED FOR CREDIT CARD USE, TO CONFORM SAID SECTION TO §2.2-614.1 OF THE CODE OF VIRGINIA

WHEREAS, Chapter 58 (Taxation), Article II (Administration), is in need of revision in order to bring that section into conformance with §2.2-614.1 VA Code Ann.; and

WHEREAS, the County Attorney has recommended language for the necessary revision, as set forth within the document attached hereto and incorporated by reference; and

WHEREAS, this Board has conducted a duly advertised public hearing on January 8, 2013, concerning the proposed revision, and hereby finds and determines that the proposed revision is necessary and is consistent with the requirements of state enabling legislation;

NOW, THEREFORE, BE IT ORDAINED, that Chapter 58, Article II, §58-56 of the Orange County Code of Ordinances is hereby amended as set forth within the document attached and incorporated herein by reference.

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

RE: REVISION TO PERSONNEL POLICY 4.6 REGARDING OVERTIME AND FAIR LABOR STANDARDS ACT

Thomas Lacheney, County Attorney, explained to the Board his recommendation to amend the County's Personnel Policy 4.6 in regard to the calculation of potential overtime pay for Fire and EMS employees in order to comply with the Fair Labor Standards Act (FLSA).

Mr. White moved, seconded by Mrs. Abbs and carried, to amend Policy 4.6 of the Orange County Personnel Policy Manual regarding overtime compensation and Fair Labor Standards Act (FLSA) as presented and recommended by the County Attorney.

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

RE: BUDGET WORKSESSION-CIP APPROVAL AND BOARD GUIDANCE

Glenda Bradley, Finance Director, opened the budget worksession by providing updates since the last worksession. She noted that the Collection Center had been moved up to the 2015-2016 fiscal year in the CIP budget as requested. Ms. Bradley also indicated that the additional 2% FICA tax would go back into effect in the January payroll as part of the Fiscal Cliff.

Discussion ensued among the Board regarding: the value of 1 cent on the tax rate; the new CIP project format and spreadsheet; and the CIP project prioritization and assignment.

The Board discussed the details of the following projects: general assessment; water reserve; test wells; courthouse security; E911 center; Rhoadesville Fire Station; generators at the fire houses; County entrance signs; GIS equipment; fire apparatus; fire billing money; and repairs at the Wilderness Library.

The Board requested that several projects be moved to the out years, or removed from the CIP budget as a whole. They also requested that certain large projects be broken down and listed in smaller

projects for better planning purposes. The Board discussed a way in which projects shown in the CIP budget could be flagged to indicate that they would be paid for grant funding or anticipated grant funding.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. White and carried, to adjourn the meeting at 8:54 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator