

**BOARD OF SUPERVISORS MINUTES**

**JANUARY 22, 2013**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, January 22, 2013, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Jr., Vice-Chairman; Shannon C. Abbs; Grover C. Wilson; and James K. White. Also present: Julie G. Summs, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mrs. Abbs 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 presented.

RE: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations, as presented:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
<b>January 22, 2013 for FY2013</b>			
Animal Shelter	Emergency Vet	\$ 5,862.77	Donations
Animal Shelter	Vaccinations	\$ 975.00	Donations
Animal Shelter	Emergency Vet	\$ 22,473.22	Donations
Animal Shelter	Adoptable S/N	\$ 405.00	Donations
Animal Shelter	Emergency Vet	\$ 10,997.00	Donations
	<b>Subtotal Animal Shelter</b>	<b>\$ 40,712.99</b>	

RE: RESOLUTION OF RECOGNITION FOR BETTY HURLEY HUGHES

The Board approved the following resolution, as presented:

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF ORANGE COUNTY  
IN RECOGNITION OF BETTY HURLEY HUGHES**

WHEREAS, Betty H. Hughes has served as a volunteer with the Orange County Humane Society and with the Orange County Animal Shelter since July of 2000; and

WHEREAS, Betty H. Hughes organizes a monthly public spay/neuter transport on behalf of the Humane Society, spending innumerable hours scheduling appointments, completing paperwork, obtaining cages, transporting pets, loading the shuttle, counseling owners regarding post-operative care and cleaning the staging venue afterwards; and

WHEREAS, Betty H. Hughes assumes responsibility for the companion animal portion of the L.O.W. Lions' Food Pantry by purchasing bags of pet food twice monthly, sizing them down into the appropriate containers and stocking the shelves; and

WHEREAS, Betty H. Hughes serves as the coordinator for numerous Humane Society functions including printing, folding, and mailing the quarterly newsletter; collecting mail from the Post Office boxes in Locust Grove and the Town of Orange; answering calls for assistance on the hotline; selling t-shirts and magnets in local shopping centers; collecting donation jars from drop sites throughout the county; participating in fundraisers such as rummage sales, the Fredericksburg "Dog-A-Palooza," L.O.W. Independence Day picnic and L.O.W. "Dogfest;" and

WHEREAS, Betty H. Hughes plans and executes the Humane Society booth for the Orange County Street Fair every September, beginning work on this endeavor in April of each year by designing raffle tickets, facilitating mass mailings and arranging prizes; and

WHEREAS, Betty H. Hughes provides direct support to the Animal Shelter by buying and compiling adoption folders; transporting cats to and from four different PetSmart stores across Fredericksburg and Culpeper; collecting donated items from local veterinary clinics; fostering senior or handicapped dogs and kindles of kittens; and

WHEREAS, Betty H. Hughes has left an indelible mark on the community through her efforts on behalf of companion animals and the people who care for them;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Supervisors publicly recognizes Betty Hurley Hughes and extends its appreciation for her unswerving and selfless service to the County of Orange.

RE: VOIDING OF THE MEMORANDUM OF AGREEMENT (MOA) WITH LAKE OF THE WOODS ASSOCIATION REGARDING EMERGENCY NOTIFICATIONS

This item was struck from the agenda.

RE: SURPLUS DISPOSITION OF VEHICLES

As detailed in the memorandum provided to the Board by Stephanie Straub, Procurement and Grant Coordinator, staff had received requests from the Sherriff's Department and the Building Department to surplus the following vehicles that were either no longer operable or feasible to make operable:

1. 2001 Jeep Cherokee (VIN #6085)
2. 1998 Jeep Cherokee (VIN #2482)
3. 2007 Ford Crown Victoria (VIN#5276)
4. 1994 Ford Bronco (VIN#1061)
5. 1995 Ford Aerostar (VIN#9859)
6. 2005 Ford Crown Victoria (VIN#6614)
7. 2007 Ford Crown Victoria (VIN#5274)

Ms. Straub noted that in accordance with the County's Surplus Disposition Policy, Section 1.03, staff was requesting that the Board declare the vehicles surplus in order to dispose of them through a competitive process.

The Board declared the above-mentioned vehicles as surplus and authorized the County Administrator to initiate their disposal in accordance with the Board-adopted Surplus Disposition Policy.

RE: BUDGET TRANSFER FOR FIRE AND EMERGENCY SERVICES

As detailed in the memorandum provided to the Board by Glenda Bradley, Finance Director, on June 12, 2012, the Board approved a supplemental appropriation for the purpose of funding staffing shortages at the Lake of the Woods Volunteer Rescue Squad in the amount of \$18,512. She noted that this amount was to fund Fire and EMS overtime expenses from July, 2012 through November, 2012 with an identified funding source of FY12 contingency, which

created the need for a budget amendment in FY12, even though the intent was to fund FY13 expenditures. Ms. Bradley explained that the funds were intended for carryforward to the FY13 budget, but because of the transition in departmental leadership and other factors that coincided with the change in fiscal year, the carryforward was not included in the regular requests, which were approved by the Board on August 28, 2012.

Ms. Bradley concluded by explaining that at this time, staff would like to request an amendment to the FY13 budget to correct this oversight by transferring funds remaining in the "Reserve for COLA" line item, and noted that this would not require an additional appropriation of fund balance and would utilize funds already appropriated in the FY13 budget for personnel expenses.

The Board approved the budget amendment to transfer funds from the COLA Reserve to the Fire and EMS budget for overtime expenses, which were originally approved on June 12, 2012, in the amount of \$18,512.

RE: ACCEPT AND APPROVE MATCHING FUNDS FOR OFFICE OF EMERGENCY MEDICAL SERVICES GRANT

As detailed in the memorandum provided to the Board by Glenda Bradley, Finance Director, on January 1, 2013, the Virginia Department of Emergency Medical Services awarded a Rescue Squad Assistance Fund (RSAF) Grant to Orange County's Fire and EMS Department in the amount of \$28,728. She noted that this grant would fund the purchase of six (6) "stairchairs" and twelve (12) AEDs at an 80% funding level and that the "stairchairs" had been requested as part of the CIP Budget and could now be eliminated as a request for FY14.

Ms. Bradley explained that at this time, staff would like to request that the Board accept the RSAF Grant and approve an amendment to the FY13 budget to appropriate the grant funds in the amount of \$28,728.

The Board accepted the Rescue Squad Assistance Fund (RSAF) Grant and approved the budget amendment to appropriate the Grant proceeds in the amount of \$28,728.

RE: MINUTES

The Board approved the following minutes:

- January 8, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF A RESOLUTION OF RECOGNITION FOR BETTY HURLEY HUGHES

Chairman Goodwin presented the Resolution of Recognition to Betty Hurley Hughes.

RE: INTRODUCTION OF KAT IMHOFF, MONTPELIER PRESIDENT

Ann Lawrence Grasty, Vice President for Development at Montpelier, introduced Kat Imhoff, President of Montpelier, and provided a brief educational and professional background. Ms. Imhoff introduced herself to the Board and discussed how excited she was to be back in the Piedmont area and to be a part of Montpelier in Orange County.

The Board thanked them for their presentation.

RE: BUSINESS SPOTLIGHT

Jack Miller appeared before the Board and provided a summary of the 2012 Economic Impact of the Montpelier Hunt Races report on the annual event held in Orange County in November of each year. Mr. Miller provided information on how the report was developed, the amount of monetary impact on Orange County, and the areas of businesses positively impacted by the Hunt Races.

The Board thanked Mr. Miller for his presentation.

RE: HOUSING ASSESSMENT BY SKYLINE CAP

Brandi Day and Kim Smith, representatives from Skyline CAP, presented information to the Board regarding the Housing Assessment performed by Skyline CAP. The presentation included information on rental units, affordable housing, programs offered by Skyline CAP, and demographics in Orange County.

Discussion ensued among the Board regarding: foreclosures; the number of rental units discussed in the assessment; unaffordable versus inadequate housing; universal design features; funding for projects by the Skyline CAP; programs that encouraged home ownership; counseling programs to assist homeowners in keeping their home; the rental voucher program; new developments in the Town of Orange; housing programs; and the allocation of Federal funds.

The Board thanked them for their presentation.

RE: PUBLIC COMMENT

At 5:48 p.m., Chairman Goodwin opened the floor for public comment.

The following individuals spoke:

- Bruce Kay, 105 Constitution Boulevard, regarding the Rapidan Services Authority (RSA), their increase in rates, the transfer of property from the County, and water requirements.
- Jay Billie, 12256 Montford Road, regarding tourism efforts in Orange County, including information from the Economic Impact, creation of a Tourism Advisory Committee, a baseline study, and a tourism symposium.
- Mary Lou Seilheimer, 19180 Mt. Sharon Road, regarding the funding request for the Boys and Girls Club.

There being no further speakers, public comment was closed.

RE: BOARD COMMENT

There were no comments at this time.

RE: ACTION ITEMS

RE: EQUIPMENT PURCHASE FOR ORANGE YOUTH SPORTS FOUNDATION

Julie Summs, County Administrator, explained that at a recent Orange Youth Sports Foundation meeting, a request was made regarding the need for a large mower to effectively maintain the fields at Booster Park. Ms. Summs further explained that staff had received quotes from Piedmont Power Sports and Virginia Tractor for a used Woods Mower and Kubota Tractor with a loader and the total cost of the equipment was estimated at \$16,000. She concluded by noting that Orange Youth Sports Foundation had requested to have \$5,333.33 charged to the Booster Park line item each year, for this year and the next two (2) years.

Discussion ensued among the Board regarding: how the application of funds to the Booster Park line item would take place; how much money was in the line item each year; how maintenance of the fields was currently being done; how the new equipment could save money on maintenance costs; the expected life of the equipment; and the plan for repair and replacement of the equipment in the future.

Mrs. Abbs moved, seconded by Mr. White and carried, to approve the purchase of a mower and tractor for the Orange Youth Sports Foundation, totaling \$16,000, for the maintenance of fields at Booster Park and to fund the purchase through the use of \$14,000 of the Booster Park line item (4100-71234-3100) and through a budget transfer of \$2,000 from the District Four Parks line item (4100-71235-3100).

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

RE: SUPPORT LETTER FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES

Julie Summs, County Administrator, explained to the Board that a request had been received from the Rappahannock-Rapidan Community Services (RRCS) regarding support of their request to receive funding from the State to purchase several new vehicles for their transportation programs. She noted that staff had prepared a letter of support, which did not bind the County to financial support, but simply supported the request of the RRCS to obtain funding from the State.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize staff to send the letter to the Rappahannock-Rapidan Community Services in support of their attempt to obtain State funding for the purchase of transportation vehicles for their organization.

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

RE: LETTER OF INTENT FOR WHITESPACE BROADBAND PROJECT

Supervisor White provided recent information on the Whitespace Broadband Project, including that approval had been obtained from the FCC and that CVALink had requested a letter of intent on Orange County's participation in the project.

Mr. White moved, seconded by Mrs. Abbs and carried, to authorize staff to send the drafted letter of intent to CVALink regarding the Whitespace Broadband Project.

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

RE: ONE-YEAR RENEWAL OF BENEFITS CONSULTING SERVICES CONTRACT WITH DIGITAL BENEFIT ADVISORS

Glenda Bradley, Finance Director, noted that the County currently had a contract for "Benefit Consulting Services" with Digital Benefit Advisors. She explained that the initial contract period was for one (1) year with the option to renew for an additional four (4) one (1) year terms. Ms. Bradley further explained that Digital Benefit Advisors represented both the County and the School System with insurance benefits consulting that encompassed health, dental, and vision insurances. She concluded by stating that the firm also negotiated directly with the insurance companies under contract to obtain the best possible rates for the employees.

Mr. White moved, seconded by Mr. Frame and carried, to authorize staff to renew the current contract with Digital Benefit Advisors for an additional one (1) year term.

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

RE: CLOSED MEETING

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

- Two (2) matters 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 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.

RE: PUBLIC HEARING

E. N. Haynes, Pastor at New Hope Baptist Church, made a presentation to the Board regarding the current use and proposed use of the subject property that was being considered for tax exemption.

Discussion ensued among the Board regarding the intended use and purpose of the subject property, as well as uses that were allowable for tax exemption under State law.

At 7:47 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

Proposed Tax Exempt status, pursuant to §58.1-3651 VA Code Ann., for property owned by New Hope Baptist Church, Tax Map No. 36-32, totaling 2.669 acres (real and personal property).

*For 2012, the assessed value of the real property for which the exemption is sought is \$128,500. There is no County assessed value for tangible personal property. The approximate 2012 County real estate taxes assessed against the subject real property is \$925.20, and no County taxes were assessed for personal property.*

There being no speakers, Chairman Goodwin closed the Public Hearing at 7:47 p.m.

Mr. Frame made a motion to table action until additional information was received regarding use of the property, but the motion died for lack of a second.

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

ORDINANCE TO EXEMPT REAL AND PERSONAL PROPERTY OWNED BY  
NEW HOPE BAPTIST CHURCH FROM TAXATION

WHEREAS, New Hope Baptist Church, an IRS § 501(c)(3) tax-exempt, non-profit organization, has petitioned the Board of Supervisors to exempt from taxation certain real and personal property pursuant to Article X, § 6(a)(6) of the Constitution of Virginia; and

WHEREAS, § 58.1-3651 VA Code Ann. sets forth the procedure, including adoption of an ordinance, by which the Board may designate property as tax exempt, establishes certain requirements for a public hearing concerning the adoption of such an ordinance, and sets forth certain questions and materials to be considered prior to the adoption of such an ordinance; and

WHEREAS, the Board, after due notice and conduct of a public hearing, has considered the questions and materials set forth in § 58.1-3651(B) VA Code Ann., has reviewed the information provided by New Hope Baptist Church and has determined that the petition for the proposed exemption from taxation should be granted;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Orange County, Virginia, that:

1. In accordance with § 58.1-3651(A) VA Code Ann., the Board designates New Hope Baptist Church as a non-profit organization, operating with religious purposes within the context of Article X, § 6(a)(6) of the Constitution of Virginia; and
2. In accordance with § 58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the real and personal property located in Orange County known as Tax Map No. 36-32, owned by New Hope Baptist Church and used exclusively for religious purposes; and
3. Pursuant to §58.1-3605 VA Code Ann., New Hope Baptist Church shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next 60 days; and
4. The Clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to New Hope Baptist Church; and
5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which New Hope Baptist Church is designated and indicated in their request; and
6. This ordinance shall become effective January 1, 2013.

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

RE: ACTION ITEMS (Continued)

RE: UPDATE ON FIRE BILLING AND BUDGET AMENDMENT

John Harkness, Fire and EMS Chief, reported that during last year's budget process, the Department of Fire & EMS recommended that the County consider fire billing as a new revenue source and Fidelis, the County's EMS billing vendor, projected net revenues of \$550,000. Chief Harkness stated that recent developments had found that Fidelis' revenue estimates were based on National averages and were severely over-inflated as they failed to take into consideration the limitations on fire billing due to billing limits of the Virginia Code. He reviewed those billing limitations imposed in Virginia Code §38.2-2130 with the Board.

Chief Harkness noted that Fidelis projected revenue of \$175,000 from responses to structure fires each year based on their projection of 200 structure fire responses. He further noted that although the County may respond to 200 structure fires per year, only a small percentage of them, maybe 20-30, would require action that would be considered billable.

Chief Harkness continued by reporting that Fidelis also did not consider that the Virginia Code only allowed fire departments to bill for automobile accidents under certain conditions - mainly reckless driving, driving under the influence, and driving on a suspended license. He noted that out of the 900 automobile accidents that the fire companies responded to on an annual basis, only a small fraction of them were related to those three conditions. Chief Harkness stated that the restrictions imposed by that Code would substantially reduce the \$257,000 that Fidelis projected from automobile accident responses.

Chief Harkness indicated that in order to implement fire billing, the Department of Fire & EMS and the volunteer companies would need to upgrade the fire & EMS reporting software. He explained that the Department anticipated funding the software upgrade from a portion of the revenue generated through fire billing, but he did not believe that the revenue generated by fire billing would even cover the software upgrade.

Chief Harkness concluded by reporting that based on current information, he anticipated only \$20,000 to \$30,000 in revenue per year from fire billing and recommended placing the fire billing project on hold until the State Code was amended, and removing the anticipated revenue generated from fire billing from the budget.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to not proceed with Fire Billing services at this time and approved a budget amendment for FY13 to reduce estimated Fire Billing revenues and the corresponding transfer to the Capital Improvements Fund for the Fire Apparatus Reserve in the amount of \$265,000.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed James "Jim" White as an At-Large Representative to the Health Center Commission (formerly known as the Nursing Home Commission), for a four-year term, with said term expiring on March 30, 2017.

RE: DISCUSSION ITEMS

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

Karen Epps, Economic Development Director, provided an update to the Board on the CDBG Planning Grant for the Route 20 Sewer Project, indicating that she had received a letter from the Town of Orange regarding their desire not to participate financially in the project, but that she had not received a response to-date on the historical data for the Grant as requested.

Discussion ensued among the Board regarding: the request for historical data on the grant awards from the Department of Housing and Community Development; the list of items required to meet the February 8, 2013, deadline; staff time spent on the project; the commitment to the project; and the potential different phases of the project.

By consensus, the Board decided not to proceed with completing the six (6) items as requested by the Virginia Department of Housing and Community Development in order to receive the \$3,000 in planning grant funds from the Community Development Block Grant (CDBG) program, and advised staff not to move forward with the sewer project at this time.

RE: 2013 GENERAL ASSEMBLY LEGISLATION

Ashley Jacobs, Assistant to the County Administrator, presented information and reviewed the following legislative items that were being tracked by staff and that could potentially impact local government: HB 1373; HB 1429; HB 1430; HB 1448; HB 1488; HB 1505; HB 1717; SB 1293; HB 1718; HB 1722; HB 2048; HB 2142; HB 2188; HB 2223; HJ 654; SB 1353; HB 2313; SB 1355; SB 717; and HB 1401.

The Board discussed several of the bills presented by Ms. Jacobs, but did not request that staff send opposition letters for them at the time. The Board did request to be provided with the results once action was taken on the bills.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report
- CSA Monthly Report for December
- Tourism Quarterly Report
- Economic Development Quarterly Report
- Office of Intermodal Planning and Investment; 2035 VTrans Update

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: SCHEDULE A PUBLIC HEARING FOR SUP 12-05 (COMMUNITY WIRELESS STRUCTURES, LLC) FOR A CELL TOWER ON FEBRUARY 26, 2013 AT 7:30 P.M.

By consensus, the Board authorized staff to schedule and advertise for a public hearing to receive comments on SUP 12-05 (Community Wireless Structures, LLC) for a 199-foot cell tower on Tuesday, February 26, 2013, at 7:30 p.m.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved and carried, to adjourn the meeting at 8:25 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

---

S. Teel Goodwin, Chairman

---

Julie G. Summs, County Administrator