

**BOARD OF SUPERVISORS MINUTES**

**JANUARY 24, 2017**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, January 24, 2017, 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, Vice Chairman; R. Mark Johnson; James K. White, and James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION FROM DR. DAVID A. SAM, PRESIDENT OF GERMANNA COMMUNITY COLLEGE

Dr. David Sam, President of Germanna Community College, presented a PowerPoint presentation to the Board, which included information on the following: an overview of the Locust Grove Campus Master Plan; shared visions between the County and the College; the economic impact of the proposed Master Plan; the idea for recreation and open space; a review of the phasing plans for the Campus expansion; and the goals for Germanna’s future.

Discussion ensued among the Board regarding: demolition of the existing college facility; incorporation of the trails system; funding; enrollment projections; the focus on healthcare programs; event facilities; and the expansion of non-credit programs.

The Board thanked Dr. Sam for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY17 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
41251001-46010	Computer Hardware	\$ 5,000.00	\$ 10,750.00	\$ 15,750.00
41251001-46015	Computer Software	65,380.00	7,418.00	72,798.00
49140001-45900	Contingency	298,670.00	(18,168.00)	280,502.00
30045005-35800	Emergency Services Grants	(130,062.00)	13,654.00	(116,408.00)
49400003-48160 C1118	EMS Stretcher System	225,000.00	(13,654.00)	211,346.00
<b>TOTALS</b>		<b>\$ 463,988.00</b>	<b>\$ 0.00</b>	<b>\$ 463,988.00</b>

RE: RESOLUTION OF RECOGNITION FOR JOHN “JACK” KELLEY

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

A RESOLUTION OF RECOGNITION FOR  
*John "Jack" Kelley*

WHEREAS, Mr. John "Jack" Kelley has faithfully served the citizens of Orange County as a member of the Lake of the Woods Volunteer Fire & Rescue Company for twenty-five (25) years, beginning his service in February, 1992; and

WHEREAS, volunteer service to others is a hallmark of the American character, especially in rural communities such as Orange County, where many of the services needed by the citizens are provided by volunteer groups and individuals; and

WHEREAS, the Lake of the Woods Volunteer Fire & Rescue Company provides essential services to the citizens of Orange County during traumatic situations affecting their lives; and

WHEREAS, John "Jack" Kelley devoted considerable training time and effort to increase his medical skills to the level of Advanced Emergency Medical Technician and to provide a higher level of emergency medical treatment to his patients; and

WHEREAS, John "Jack" Kelley has provided over 15,000 duty hours of volunteer service as an Emergency Medical Technician; and

WHEREAS, over these many years, John "Jack" Kelley has served in administrative and leadership positions, such as Recruiter, Personnel Director, Orientation Trainer, Mentor, and Rescue Captain; and

WHEREAS, John "Jack" Kelley, from his office at the intersection of Routes 3 and 20, was frequently the first responder on-scene for traffic accidents, providing immediate medical assistance and sharing up-to-date information with the Orange County dispatchers; and

WHEREAS, John "Jack" Kelley, as the longest regularly-serving Emergency Medical Technician in the Company, leads other Emergency Medical Technicians by example in demonstrating commitment to the citizens of Orange County who, through injury or disease, become his patients; and

WHEREAS, John "Jack" Kelley has frequently taken on additional duty shifts to ensure that the citizens have continuous emergency medical services available; and

WHEREAS, John "Jack" Kelley's patients frequently comment on his caring and reassuring manner when they have been stressed by medical or traumatic situations;

NOW, THEREFORE, BE IT RESOLVED, on this 24<sup>th</sup> day of January, 2017, that the Orange County Board of Supervisors hereby expresses deep appreciation and well-deserved recognition to Mr. John "Jack" Kelley for his dedicated and distinguished service to the citizens of Orange County; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors hereby proclaim March 4, 2017, as Jack Kelley Day, and encourage residents to recognize the positive impact that he has brought to this community and to thank him for his service.

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- January 10, 2017 Worksession
- January 10, 2017 Organizational Meeting
- January 10, 2017 Regular Meeting

RE: NEW BUSINESS

RE: COMPREHENSIVE MINE RUN AREA REZONING

R. Bryan David, County Administrator, explained that the Board had previously discussed the significant number of parcels in the Mine Run area where there was split zoning or where the current land use did not align with the parcel's adopted zoning classification. He indicated that the Board deferred the matter to allow Supervisors Crozier and White to work with staff to develop a process to address each of the zoning issues above, including outreach and communication with the affected property owners. Mr. David noted that the process was ready to be implemented and Supervisors Crozier and White were seeking the Board's approval to initiate the rezoning process.

Mr. David stated that it would be appropriate for the Board to schedule a Public Hearing on this matter at its meeting on February 28, 2017. The Planning Commission was prepared to schedule its Public Hearing during a called meeting on February 16, 2017.

Discussion ensued among the Board regarding: communication with the affected property owners; working through the final process with staff; the fact that not all parcels were affected; the desire to clean-up and correct the split zoning; the desire to match the zoning with the uses of the property; steps in the rezoning process; and the potential for an additional round of rezoning based on the need for additional time to communicate with some of the property owners.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board initiated action on the proposed Mine Run Area Rezoning and authorized staff to do those things necessary to proceed with the rezoning process, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PROPOSED RESOLUTION IN OPPOSITION OF HOUSE BILL 2108

R. Bryan David, County Administrator, provided an update to the Board on the status of House Bill 2108, proposed legislation regarding broadband. He explained that, simply put, the proposed bill would bar the Board of Supervisors, Broadband Authority, and all other County-led efforts to bring affordable, high-speed broadband to the County's underserved and unserved areas. Mr. David requested the Board's consideration to adopt a resolution of opposition for the proposed legislation.

Discussion ensued among the Board regarding: an additional House Bill related to broadband infrastructure and whether or not any action was necessary; and the fact that the name of the proposed legislation was very misleading.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION IN OPPOSITION OF HOUSE BILL 2108  
(VIRGINIA BROADBAND DEPLOYMENT ACT)

WHEREAS, the Orange County Board of Supervisors recognizes, along with many other similarly-situated rural Virginia localities, that affordable and reliable high-speed broadband must be available to all residents, businesses, and local government facilities; and

WHEREAS, the Orange County Board of Supervisors acutely understands that, without affordable and reliable high-speed broadband made available County-wide, Orange County will be at a distinct and ever-increasing competitive disadvantage for private sector job creation and business investment; and

WHEREAS, the Orange County Board of Supervisors knows that, without affordable and reliable high-speed broadband, the Orange County Public Schools will not be capable of delivering a 21<sup>st</sup> Century education to our students; and

WHEREAS, the Orange County Board of Supervisors is aware that, without affordable and reliable high-speed broadband County-wide, it will be costlier for the taxpayer to provide our first responders (Orange County Sheriff's Office, Orange County Fire and EMS and Volunteer Companies, and E-911 Emergency Communications) with the voice and data telecommunications capabilities needed to protect our residents and businesses; and

WHEREAS, the Orange County Board of Supervisors has completely and totally relied upon long-standing Code of Virginia statutes and enabling authorities to develop and implement strategies which will ensure affordable and reliable high-speed broadband is made available to all residents, businesses, and government facilities; and

WHEREAS, the Orange County Board of Supervisors chartered the Orange County Broadband Authority on July 12, 2016, and became, they themselves, members of the Authority in order to provide the necessary fiduciary oversight and accountability to Orange County taxpayers; and

WHEREAS, the Orange County Broadband Authority is implementing the Orange County Public Schools/Orange County Government Fiber Optics Network Project and the Orange County Rural Broadband Initiative to achieve the overarching goals of strategically integrating telecommunications services and support facilities for education and public safety; reducing the capital expense barriers for private-sector broadband companies; and, providing Orange County's residents and businesses consumer choice for affordable and reliable high-speed broadband; and

WHEREAS, House Bill 2108 (Virginia Broadband Deployment Act) was duly filed and is under consideration by the 2017 Virginia General Assembly; and

WHEREAS, House Bill 2108 would create, at a minimum, insurmountable obstacles and, in the end, likely bar the successful implementation of the Orange County Public Schools/Orange County Government Fiber Optics Network Project and the Orange County Rural Broadband Initiative; and

WHEREAS, House Bill 2108 will effectively, and with great precision, leave Orange County, as well as all of rural Virginia, without any real opportunity or hope of having affordable and reliable high-speed broadband made available to all of its residents, businesses, and local government facilities in the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, on this 24<sup>th</sup> day of January, 2017, that the Orange County Board of Supervisors hereby voices its strongest opposition to House Bill 2108; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors respectfully urges the Virginia General Assembly and the Governor of Virginia to oppose the enactment of HB 2108, as presently drafted or as may be amended, and reaffirms its commitment, encouragement, and support to all of Virginia localities that utilize existing State-enabling authority to ensure that affordable and reliable high-speed broadband will be made available to all of its residents, businesses, and local government facilities in order to advance economic growth, public education, public safety, and the overall quality of life for all Virginians; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors authorizes the distribution of attested copies of this Resolution to Senator Bryce Reeves and Delegate Nicholas Freitas for their reference and use; and

BE IT YET FURTHER RESOLVED, that the Orange County Board of Supervisors authorizes attested copies of this Resolution be sent to the Gordonsville Town Council, the Orange

Town Council, and the Lake of the Woods Board of Directors seeking each bodies' support in opposition to House Bill 2108.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: RESOLUTION IN OPPOSITION OF HOUSE BILL 2196 (WIRELESS COMMUNICATIONS INFRASTRUCTURE) AND SENATE BILL 1282 (WIRELESS COMMUNICATIONS INFRASTRUCTURE)

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION IN OPPOSITION OF HOUSE BILL 2196 (WIRELESS COMMUNICATIONS INFRASTRUCTURE) AND SENATE BILL 1282 (WIRELESS COMMUNICATIONS INFRASTRUCTURE)

WHEREAS, the Orange County Board of Supervisors recognizes that mobile wireless voice and data services are vitally important and necessary for the Commonwealth of Virginia's residents, businesses, and overall economy; and

WHEREAS, the Orange County Board of Supervisors understands House Bill 2196 (Wireless Communications Infrastructure) and Senate Bill 1282 (Wireless Communications Infrastructure) are under consideration by the General Assembly; and

WHEREAS, the Orange County Board of Supervisors further understands the proposed legislation will usurp local land use decision making for the direct benefit of telecommunications businesses; and

WHEREAS, the Orange County Board of Supervisors further understands the proposed legislation will allow unfettered and unprecedented use of property owned or controlled by local government by telecommunications companies;

NOW, THEREFORE, BE IT RESOLVED, on this 24<sup>th</sup> day of January, 2017, that the Orange County Board of Supervisors voices its strongest opposition to House Bill 2196 and Senate Bill 1282; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors respectfully urges the General Assembly and the Governor to oppose enactment of House Bill 2196 and Senate Bill 1282, as presently drafted or as may be amended; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors authorizes the distribution of attested copies of this Resolution to Senator Bryce Reeves and Delegate Nicholas Freitas for their reference and use.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: REQUEST FOR LETTER OF SUPPORT FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES' GRANT FUNDING

R. Bryan David, County Administrator, explained that Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services, recently requested the Board of Supervisors' consideration to provide a letter of support for their efforts to obtain grant funding. He added that this grant funding would be used to purchase a total of nine (9) vehicles for use in their various transportation programs. Mr. David stated that this letter would not impose any financial commitments from the County.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized the County Administrator to send a letter of support to the Rappahannock-Rapidan Community Services on behalf of the Board of Supervisors regarding their request for grant funding from the Commonwealth of Virginia to purchase a total of nine (9) vehicles to be used in their various transportation programs, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: E-911 CENTER SEMI-ANNUAL REPORT

Nicola Tidey, E-911 Center Director, presented the E-911 Semi-Annual Report to the Board, which included information on the following topics:

- Phone call volume for both hardline and wireless 911 calls;
- Statistics for 911 calls for service;
- Staffing levels and retention rates;
- Contributing factors for staff retention and turnover;
- The operating status of all E-911 Center systems;
- Accomplishments for 2016; and
- Upcoming projects.

Discussion ensued among the Board regarding: the reliability and processing of VoIP calls; response times; and processing times.

The Board thanked Ms. Tidey for her presentation.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: APPLICATION FOR STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT BY DEPARTMENT OF FIRE AND EMS

R. Bryan David, County Administrator, indicated that it had become apparent, during the budget development process, that Fire and EMS would need to staff five (5) medic units on a daily basis in order to maintain its current level of service. He added that the additional unit was because of an increase in calls for service, coupled with the decreasing availability of volunteer-staffed medics. As such, the fifth unit would require three (3) additional full-time firefighter/medics.

Mr. David requested the flexibility to have the Department of Fire and EMS apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant, administered by the Federal Emergency Management Agency and due on February 9, 2017. Mr. David provided the details of the grant funding, if awarded, which would cover a portion of the personnel costs for the first three years, with the entire cost being the responsibility of the County beginning in the fourth year.

Mr. David stated that the Board would be under no obligation to accept the grant, even if it was awarded, because it depended upon the fifth medic unit being included in the FY18 Operating Budget. However, he requested the Board consideration to apply for the grant, which would give him flexibility in developing the budget.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized the Department of Fire and EMS to apply for the *Staffing for Adequate Fire and Emergency Response (SAFER) Grant*, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: BOARD COMMENT

Supervisor Johnson commented on Montpelier's request for the County to set aside the process to develop a zoning district specifically for them. However, the compliance issues with some of the uses at the Montpelier property still existed. He requested that staff develop a process to address and correct the zoning violations at Montpelier, with an update being provided at the next meeting on February 14, 2017.

Chairman Goodwin commented on the new multi-use trail and dog park located in the Town of Orange.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- November 30, 2016 Culpeper Soil and Water Conservation District (CSWCD) Minutes

RE: CLOSED MEETING

At 6:16 p.m., Mr. Lacheny read the following motion authorizing Closed Meeting:

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

- Discussion, consideration, or interviews of prospective candidates for employment; or assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(3) 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)(1), (A)(3), and (A)(7) 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.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:38 p.m., Ms. Simpson read the following resolution certifying 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 applied, 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.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. White, seconded by Mr. Frame, which carried by a vote of 5-0, the Board appointed George Yancey as the At-Large Representative on the Health Center Commission for a four-year term, with said term commencing April 1, 2017 and expiring on March 31, 2021.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 7:40 p.m., Chairman Goodwin opened the floor for public comment.

There being no speakers, public comment was closed at 7:40 p.m.

RE: CALENDAR

The Board received copies of its calendar for the months of January 2017, February 2017, and March 2017.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 7:40 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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S. Teel Goodwin, Chairman

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R. Bryan David, County Administrator