

**BOARD OF SUPERVISORS MINUTES**

**MARCH 8, 2016**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 8, 2016, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice Chairman; R. Mark Johnson; and James K. White. Absent: James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adopted the agenda, as modified. Ayes: Johnson, White, Goodwin, Frame. Nays: None. Absent: Crozier.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: LIFE SAVING AWARDS

This item was struck from the agenda.

RE: BUSINESS SPOTLIGHT

Ms. Greta Fleming, owner of Burrito Baby, appeared before the Board to spotlight her business. She explained that she opened her restaurant in July 2015, and she was located in the Town of Gordonsville. Ms. Fleming noted that she offered a made-to-order menu, using many fresh and local ingredients. She added that she hoped her customers enjoyed making memories with their families around the restaurant tables.

The Board thanked Ms. Fleming for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adopted the Consent Agenda, as presented.

RE: JOINT RESOLUTION FOR BUSINESS AND INDUSTRY APPRECIATION WEEK IN ORANGE COUNTY

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

**RESOLUTION FOR  
BUSINESS & INDUSTRY APPRECIATION WEEK**

WHEREAS, Orange County is the home of over 660 business and industry employers, providing approximately 5,944 jobs and generating annual payrolls in excess of \$207,905,000; and

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

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

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

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

AND BE IT FURTHER RESOLVED THAT: the week of May 16 - 20, 2016 is hereby declared Business and Industry Appreciation Week in Orange County and the Towns of Gordonsville and Orange.

RE: RENEWAL OF THE CONTRACT WITH DELL MARKETING LP FOR ELECTRONIC DEVICES

As part of the Consent Agenda, the Board authorized staff to renew contract VA-140331-DELL with Dell Marketing LP for a one (1) year term, pursuant to the original contract terms.

RE: PROCLAMATION FOR NATIONAL CHILD ABUSE PREVENTION MONTH

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

A PROCLAMATION TO DECLARE THE MONTH OF APRIL AS  
*CHILD ABUSE PREVENTION MONTH*

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of April as Child Abuse Prevention Month in Orange County, Virginia.

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, BE IT PROCLAIMED, on this 8<sup>th</sup> day of March, 2016, that the Orange County Board of Supervisors hereby recognizes April, 2016, as Child Abuse Prevention Month in Orange County, and calls this observance to the attention of all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in efforts to support families, thereby preventing child abuse and neglect and strengthening the community in which we live.

RE: MINUTES

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

- February 23, 2016 Worksession
- February 23, 2016 Regular Meeting

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: DRIVE TOURISM MICRO GRANT APPLICATION

R. Bryan David, County Administrator, explained that because the Tourism Department had completed the DRIVE Tourism planning process through the Virginia Tourism Corporation, the County was eligible to apply for a micro grant in the maximum amount of \$10,000. There was no local match required, and the grant funds could be used for feasibility studies or planning services.

Leigh Mawyer, Tourism Manager, indicated that the Tourism Advisory Committee discussed how best to take advantage of the micro grant, and it was agreed that the Montpelier-Orange Greenway project in the CIP could be eligible, given that the original idea for partnering with the Germanna Foundation was deemed not viable at this time. As such, the Tourism Department and Tourism Advisory Committee were recommending that the grant funds, if awarded, be used to fund a preliminary engineering report for the "rails with trails" project.

Mr. David added that the purpose of the preliminary report would be to have sufficient information prepared and documented for consideration by Norfolk Southern Corporation. The idea was that the report would objectively demonstrate how a trail system along the railroad right-of-way would be a safe, community asset, and would not interfere with railroad operations.

Mr. David stated that letters of support were being sought from the Town of Orange, as well as from the Montpelier Foundation. The cost of such a report was estimated in the range of \$1,500 to \$2,500.

Discussion ensued among the Board regarding: whether or not there had been any discussions with Norfolk Southern to-date; whether the project would be "active rail" or "rail to trail"; and how the pricing projections included in the CIP were calculated.

On the motion of Mr. White, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board authorized staff to proceed with submitting the DRIVE Tourism Micro Grant Application to the Virginia Tourism Corporation for the Montpelier-Orange Greenway project, as presented.

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

RE: RESOLUTION ENDORSING THE RAIL PRESERVATION GRANT APPLICATION FOR THE BUCKINGHAM BRANCH RAILROAD COMPANY

Tommy Miller, Economic Development Director, explained that a letter had been received from the Buckingham Branch Railroad requesting support of their Rail Preservation Grant Application. He noted that Buckingham Branch Railroad would provide all matching funds for the grant. Grant proceeds would be used to replace ties, ballast, tamping, and surfacing as well as perform drainage improvements, between Richmond, Virginia and Clifton Forge, Virginia, which included parts of Orange County.

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adopted the following resolution, as presented:

RESOLUTION OF SUPPORT OF RAIL PRESERVATION GRANT APPLICATION FOR  
BUCKINGHAM BRANCH RAILROAD

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the Richmond and Alleghany Tie Replacement Project, which will replace mainline ties, switch ties, siding ties, and mainline bridge deck ties. Work will also include adding ballast, tamping, surfacing, and drainage improvements in the Buckingham Branch Railroad line located between MP 85.5 in Richmond and MP 276 in Clifton Forge, VA; and

WHEREAS, the Buckingham Branch Railroad estimates that this project will cost \$10,000,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, the Buckingham Branch Railroad is an important element of the Orange County transportation system; and

WHEREAS, Buckingham Branch is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Orange supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided;

NOW, THEREFORE, BE IT RESOLVED, on this 8<sup>th</sup> day of March, 2016, that the Orange County Board of Supervisors hereby requests the Virginia Department of Rail and Public Transportation to give priority consideration to the Richmond and Alleghany Tie Replacement Project proposed by the Buckingham Branch Railroad for inclusion in the projects funded in the Rail Preservation Program.

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

RE: COUNTY ATTORNEY'S REPORT

RE: CREATION OF THE BROADBAND AUTHORITY

Thomas Lacheney, County Attorney, stated that at its February 23, 2016, meeting, the Board of Supervisors requested that staff prepare a resolution for the creation of the Orange County Broadband Authority. He provided a copy of the draft resolution to the Board and explained that if the Board desired to move forward, a public hearing would have to be advertised.

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider the creation of the Orange County Broadband Authority on Tuesday, April 26, 2016, at 7:00 p.m.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: UPDATE ON THE FY 2014 - FY 2016 BOARD OF SUPERVISORS PRIORITIES

R. Bryan David, County Administrator, provided an update to the Board on work completed to-date on the FY 2014 - FY 2016 Priorities. He explained that the update was from his previous report in August, 2015.

Mr. David also reminded the Board of the list of topics that had previously been established for the upcoming Bi-Annual Strategic Planning Retreat. He asked whether or not the Board was interested in making any changes to the list given the recent updates.

Discussion ensued among the Board regarding: the broadband authority; next steps for the Germanna-Wilderness Area Plan; the public safety and consolidated facility project; revisiting the vision statement and priorities; financial policies and the reserve policy; demographic trends and shifts; and the removal and addition of topics from the list.

By consensus, the Board agreed to revise its list of topics for the upcoming Bi-Annual Strategic Planning Retreat, as follows:

- Revisiting and updating, as needed, the vision statement and the existing strategies developed during the March, 2014 retreat;
- Scoping of the Gordonsville-Orange Area Plan;
- Broadband Authority, fiber optics, and public safety communications and facility;
- Next Steps for the Germanna-Wilderness Area Plan; and
- Public education funding, demographic trends and shifts, and financial and reserve policies.

RE: PUBLIC SAFETY TELECOMMUNICATIONS AND FACILITY PROJECT

R. Bryan David, County Administrator, provided an update regarding the four (4) elements of the Public Safety Telecommunications and Facility Project. Mr. David indicated that the Broadband Subcommittee and members of the project team had been researching and discussing the type of engineering services that would be necessary to support the public safety network, as well as private wireless internet providers. He explained that it would be an appropriate time for the Board to authorize staff to proceed with soliciting, through competitive negotiation, professional services for the design of the public safety portion of the network. Mr. David also reminded the Board that Randy Vaughan from Wiley|Wilson had begun his work on the planning study for the consolidated facility, and the other elements were proceeding as previously indicated.

By consensus, the Board authorized staff to proceed with procurement, by competitive negotiation, of engineering services for the public safety telecommunications network and the "last mile" broadband component of the project.

RE: MANDATORY MUNIS SOFTWARE UPDATE

R. Bryan David, County Administrator, explained that the County was recently notified of a mandatory update to the Munis software, which would take place on Wednesday, March 16, 2016. As such, the Commissioner of the Revenue's Office and the Treasurer's Office would have limited abilities to complete transactions on that day. Mr. David noted that adequate notice had been provided to the public and staff would work through any inconveniences.

The Board took the information regarding the Munis software update under advisement, and there was no action taken at this time.

RE: NEW BUSINESS

RE: AUTHORIZATION OF BUDGET ADS AND TAX RATES

R. Bryan David, County Administrator, explained that in accordance with the adopted Fiscal Year 2017 Budget Schedule, the advertisements for the public hearings for the budget and tax rates were necessary to be posted in The Orange Review in the coming week. He noted that no changes would be advertised to the budget and tax rates from what was originally presented by the County Administrator and Finance Director on February 23, 2016.

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board authorized staff to proceed with advertising the proposed FY 2017 Operating Budget and proposed Tax Rates, as presented.

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

RE: OLD BUSINESS

RE: REZ 15-01; GARRETT STREET LLC (Tabled from the January 26, 2016 Public Hearing)  
Josh Frederick, Planning and Zoning Director, stated that the Board had previously held a Public Hearing for REZ 15-01 on January 26, 2016, but tabled the matter until the March 8, 2016, meeting. He added that the applicant had since then requested an additional one-month deferral in order to allow more time to address issues and concerns.

Discussion ensued among the Board regarding: whether or not any progress was being made to address the issues and concerns; and the commencement of a groundwater analysis.

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board voted to defer action on the application for REZ 15-01 until the April 12, 2016 meeting, as requested by the applicant.

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

RE: BOARD COMMENT

Supervisor Johnson presented an invitation to each of the Board members regarding the 100<sup>th</sup> Anniversary Celebration for the Gordonsville Volunteer Fire Company, which was coming up in April.

By consensus, the Board requested that staff prepare a resolution in recognition of the 100<sup>th</sup> Anniversary of the Gordonsville Volunteer Fire Company, which would be scheduled for adoption at the March 22, 2016 meeting.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed George Yancey as the District 2 Representative on the Planning Commission for a four-year term, with said term commencing April 1, 2016, and expiring on March 31, 2020.

RE: CALENDAR

The Board received copies of its calendar for the months of March 2016, April 2016, and May 2016.

RE: CANCELLATION OF BUDGET WORKSESSION ON MARCH 10, 2016

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board cancelled the Budget Worksession scheduled for Thursday, March 10, 2016, which was originally scheduled as part of the Fiscal Year 2017 Budget Schedule.

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

RE: CANCELLATION OF BUDGET WORKSESSION ON MARCH 15, 2016

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board cancelled the Budget Worksession scheduled for Tuesday, March 15, 2016, which was originally scheduled as part of the Fiscal Year 2017 Budget Schedule.

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

RE: CLOSED MEETING

At 6:00 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- 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) 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. Johnson, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adopted the resolution authorizing Closed Meeting as presented. Ayes: Johnson, White, Goodwin, Frame. Nays: None. Absent: Crozier.

RE: CERTIFICATION OF CLOSED MEETING

At 7:06 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, Frame. Nays: None. Absent: Crozier.

RE: PUBLIC COMMENT

At 7:06 p.m., Chairman Frame opened the floor for public comment.

The following individual spoke:

- Joe Lenig, representative of Virginia Broadband, LLC

- Claire Shelton, 4447 Musterfield Road, Orange
- Alvin Jerry Wolfrey, resident of Rhoadesville

There being no further speakers, public comment was closed at 7:12 p.m.

RE: PUBLIC HEARING #1: AMENDMENT TO THE ORANGE COUNTY CODE OF ORDINANCES REGARDING TRASH AND DEBRIS

Thomas Lacheney, County Attorney, reminded the Board that based upon its discussion at the February 9, 2016 worksession, staff was instructed to advertise for public hearings on the proposed trash and debris ordinance in order to solicit public input. He noted that two public hearings had been scheduled and advertised, and tonight's hearings was for public input only - there would be no action taken on the proposed ordinance at this time.

At 7:14 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

AMENDMENT TO THE ORANGE COUNTY CODE OF ORDINANCES

The Board of Supervisors will consider an amendment to the Orange County Code of Ordinances, specifically to Chapter 50 (Solid Waste), regarding the implementation of a trash and debris ordinance and the application of civil penalties for enforcement.

The following individuals spoke:

- John Snyder, 12574 Chicken Mtn. Road, Orange
- Virginia Donelson, resident of Somerset
- James Collins, resident of Somerset
- Merrill Strange, resident of Gordonsville
- Terry Lohr, 24073 Monrovia Road, Orange
- Mark Warren, 5290 Ridge Road, Barboursville

There being no further speakers, Chairman Frame closed the Public Hearing at 7:24 p.m.

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adjourned the meeting at 7:26 p.m. Ayes: Johnson, White, Goodwin, Frame. Nays: None. Absent: Crozier.

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Lee H. Frame, Chairman

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R. Bryan David, County Administrator