

BOARD OF SUPERVISORS MINUTES

MARCH 12, 2013

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 12, 2013, beginning at 4:00 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 Rose M. Deal, Senior Administrative Assistant.

* Chairman Goodwin arrived at 5:20 p.m.

** Supervisor Abbs arrived at 4:25 p.m.

RE: ADOPTION OF AGENDA

Mr. White moved, seconded by Mr. Wilson and carried, to adopt the agenda as modified. Ayes: Wilson, Frame, White. Nays: None. Absent: Abbs, Goodwin.

RE: CONSENT AGENDA

Mr. White moved, seconded by Mr. Wilson 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
March 12, 2013 for FY2013			
Sheriff	Police Supplies	\$ 321.33	Scrap Metal Proceeds
	Subtotal Sheriff	\$ 321.33	
Triad Program	Guardian Pendants	\$ 575.00	Donations
	Subtotal Triad Program	\$ 575.00	
Forfeited Asset Fund	Sheriff	\$ 81.38	DCJS Forfeited Assets
	Subtotal Forfeited Asset Fund	\$ 81.38	
Animal Shelter	Emergency Vet	\$ 486.98	Donations
Animal Shelter	Adoptable S/N	\$ 525.00	Donations
	Subtotal Animal Shelter	\$ 1,011.98	
Office on Youth	PT Wages	\$ 6,925.00	DSS-Strengthening Families Grant
Office on Youth	FICA	\$ 530.00	DSS-Strengthening Families Grant
Office on Youth	Worker's Comp	\$ 29.00	DSS-Strengthening Families Grant
Office on Youth	Operating Supplies	\$ 6,810.00	DSS-Strengthening Families Grant
	Subtotal Office on Youth	\$ 14,294.00	

RE: RESOLUTION IN RECOGNITION OF BUSINESS AND INDUSTRY APPRECIATION WEEK

The Board approved the following resolution as presented:

**RESOLUTION FOR
BUSINESS & INDUSTRY APPRECIATION WEEK**

WHEREAS, Orange County is the home of over 830 business and industry employers providing approximately 8380 jobs and generating annual payrolls in excess of \$186,000,000; 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 BE IT FURTHER RESOLVED THAT, the week of May 13-19, 2013 is hereby declared Business and Industry Appreciation Week in Orange County and the Towns of Gordonsville and Orange.

RE: REQUEST TO PROCEED WITH THE PURCHASE OF VOTING EQUIPMENT

As detailed in the memorandum provided to the Board by Donna Jenni, Voter Registrar, the Electoral Board requested a disbursement of Capital Improvement funds that were previously appropriated, in order to purchase new voting machines.

Ms. Jenni stated that currently, the only voting system in use in the County was the WinVote DRE (Direct Recording Electronic Machine) and that the County had a total of 47 systems that were purchased in 2004 and were nearing the end of their life expectancy. She further explained that the General Assembly would not allow the purchase of any more DRE machines.

Ms. Jenni explained that the Capital Improvement Plan (CIP) request submitted from the Office of Voter Registration and Elections for Fiscal Year 2011-2012 to Fiscal Year 2015-2016 took this information into consideration and requested 25 new Optical Scan Machines. She concluded by noting that this CIP was adopted and half of the monetary request (\$96,500) was available for FY 2012, and the other half for FY 2013.

Ms. Jenni presented the following quote from the vendor that included upfront costs, as well as annual costs, associated with the new equipment. She noted that the Electoral Board had already purchased 11 machines, and needed to purchase an additional 11 machines for a total of 22 new machines, split between FY 2012 and FY 2013.

The breakdown for the CIP request for FY 2013 was as follows:

- 11 Optical Scan Voting Machines (\$5,100/machine)	\$56,100.00
- Firmware - Licensing for the Software (\$110/machine)	\$1,210.00
- Shipping Costs (\$75/machine)	\$825.00
- 6 Lockable Metal Cages for Deployment (\$2,651/cage)	\$15,906.00
- 30 New Voting Booths (\$119/booth)	\$3,570.00
- <u>Estimates Incidental Shipping Charges</u>	<u>\$350.00</u>
Total:	\$77,961.00

The Board approved the request from the Electoral Board to authorize the disbursement of Capital Improvement Plan funds for the purchase of the remaining voting equipment, as described above.

RE: AMENDMENT TO PERSONNEL POLICY 5.5 REGARDING THE BEREAVEMENT POLICY

As detailed in the memorandum provided to the Board by Karen Gibson, Human Resources Manager, she explained that in reviewing Personnel Policy 5.5 for clarification of the amount of time granted for qualified bereavement leave, staff recommended a revision to specify the actual number of hours granted. Ms. Gibson noted the amendment as follows: "the County will provide up to twenty-four hours for bereavement following the death of an immediate family member."

The Board approved the clarification in Personnel Policy 5.5 regarding the actual number of hours granted for bereavement leave, effective immediately.

RE: MINUTES

The Board approved the following minutes:

- February 26, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award for March 2013 to Wallace Goodman, Collection Center Attendant for the Public Works Department.

RE: SERVICE AWARDS

Julie Summs, County Administrator, presented the following Service Awards:

- Elizabeth Hamilton 10 years Animal Shelter Director

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

- Susan Clark 5 years OCSO Communications

RE: LIFE SAVING AWARDS

Julie Summs, County Administrator, presented a Life Saving Award to Jason Guckert, E-911 Communications Officer. Receiving a Life Saving Award, but not in attendance at the meeting, was Lauren Brakowiecki, E-911 Communications Officer.

RE: BUSINESS SPOTLIGHT

Mr. Greg Dudley, Branch Manager of Alcovia Mortgage, appeared before the Board to spotlight his business. He discussed his office locations in the Town of Orange and the Town of Gordonsville, as well as explained the different services offered by Alcovia Mortgage, including purchases, refinances, and reverse mortgages.

The Board thanked Mr. Dudley for his presentation.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REPORT

Mr. David Pearce, Acting Residency Administrator, appeared before the Board to provide information on the Six-Year Plan for Secondary Roads and indicated that there was a possibility that additional funds could be received from the General Assembly.

Supervisor White commented on the lack of activity taking place in regard to maintenance of the secondary roads.

The Board thanked Mr. Pearce for his presentation.

RE: PUBLIC COMMENT

At 4:13 p.m., Vice-Chairman Frame opened the floor for public comment.

The following individuals spoke:

- Ms. Lauren Visel, resident of Albemarle County, regarding the band director position.
- Ms. Taylor Hazelton, resident of Locust Grove, regarding the band director position.
- Ms. Elizabeth Wenger, resident of Locust Grove, regarding the band director position.
- Mr. Kevin Gilliam, resident of Orange County, regarding the School Board budget.
- Ms. Mary Beth Roland, resident of Locust Grove, regarding the School Board budget.
- Ms. Denise Boyce, P.O. Box 47, Gordonsville, regarding the band director position.
- Mr. Colin Bradley, resident of Orange County, regarding the band director position.
- Ms. Janice Sidle, resident of Locust Grove, regarding the School Board budget.
- Mr. Pete Jewell, resident of Wilderness Shores, regarding the road conditions.
- Mr. Charles Torian, resident of Albemarle County, regarding the School budget.
- Ms. Selena Richardson, 18308 Marquis Road, Orange, regarding the School budget.
- Ms. Debbie Kendall, 14278 Kendall Road, regarding the School Board budget.

** Supervisor Abbs arrived at 4:25 p.m.

There being no further speakers, public comment was closed at 4:50 p.m.

RE: BOARD COMMENT

Supervisor Abbs noted the two different Board meeting times each month and the different forms of communication that could be used by concerned citizens to reach the Board, such as email, letters, and phone calls.

Supervisor Frame explained his interest in the County Administrator forming a committee of citizens to gather photos and/or paintings of County landmarks and historical figures to be displayed as large posters in the new Locust Grove Wal-Mart.

Supervisor White expressed his appreciation to all the speakers that spoke out at tonight's meeting and encouraged emails and other correspondence as a form of communication to those who could not attend the Board meetings.

RE: ACTION ITEMS

RE: EXTENSION TO R. M. SODERQUIST CONTRACT

Kurt Hildebrand, Public Works Director, explained that R.M. Soderquist had been operating the Orange County Landfill (Permit #090) since August, 2007. He detailed that the agreement between the County and Soderquist provided for landfill operations on a lump sum basis, as well as closure activities through unit pricing. Mr. Hildebrand noted that over the last several years, some minor closure activities had occurred, but the bulk of the closure activities would occur after the landfill ceased to accept waste.

Mr. Hildebrand explained that as the new landfill cell (Permit #566) neared completion, staff requested from DEQ and was granted a six-month extension of Permit #090 so that waste could be selectively placed into the new cell, assuring that no undesirable waste (such as construction debris) would be placed into the initial lift (fluff layer) of the new cell. He further explained that this action protected the new cell's liner from potential penetrations. Mr. Hildebrand indicated that by extending operation of Permit #090 to June 30, 2013, closure would be delayed, and was now slated to begin in early July, 2013, and be completed by spring 2014.

Mr. Hildebrand noted that staff met with the Solid Waste Committee on Tuesday, February 26, 2013, to discuss the issues stated above, and to suggest that the contract with R.M. Soderquist be extended. He stated that the current agreement was set to expire on June 30, 2013, and the intent had been to issue an RFP for operation of the new cell beginning July 1, 2013. Mr. Hildebrand indicated that since closure of Permit #090 had been postponed, staff felt that it would be financially beneficial for the County to extend the contract with R.M. Soderquist through June 30, 2014. He explained that this would allow continued operation of both landfills through June 30, 2013, closure of the old landfill, and the continued operation of Permit #566 through June 30, 2014. Mr. Hildebrand concluded by noting that the Solid Waste Committee agreed with the recommended contract extension and procurement and legal staff also supported the proposed extension.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to approve the request authorizing the County Administrator to extend the current agreement with R.M. Soderquist through June 30, 2014. The contract amount shall not exceed the amounts as adopted in Line 513-042400-3106 of the County's FY2013 and FY2014 budgets. Closure activities shall be performed using unit prices from the original agreement.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Donna Merryman as the District 5 representative to the Youth Commission, to fill the vacancy of a four-year term, with said term expiring September 30, 2015.

RE: MEMBERSHIP ON THE BOARD OF BUILDING CODE APPEALS

Mr. White moved, seconded by Mrs. Abbs and carried, to appoint the following members as At-Large representatives on the Board of Building Code Appeals with the initial terms of membership as listed below:

- Danny Gooch - term expires December 31, 2015.
- Guido Terziotti - term expires December 31, 2015.
- H.B. (Bennie) Sedwick - term expires December 31, 2014.
- Joseph R. Wayner, Jr. - term expires December 31, 2014.
- T. Marshall Gillum - term expires December 31, 2014.

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

RE: DISCUSSION ITEMS

RE: TOURISM ADVISORY COMMITTEE

This item was removed from the agenda.

RE: FUNDING REQUEST FROM LAKE OF THE WOODS ASSOCIATION REGARDING REPLACEMENT EQUIPMENT FOR THE OPERATION OF CHANNEL 18

This item was removed from the agenda.

RE: POTENTIAL TOWN HALL MEETINGS (PART OF THE COMMUNICATION PLAN)

Ashley Jacobs, Assistant to the County Administrator, explained that as part of the Communication Plan adopted by the Board on December 4, 2012, one of the "High Priority – Delayed Deliverables" was "Conducting Town Hall meetings in each district on various topics as set by the Board." She noted that staff was seeking direction on whether or not the Board was interested in scheduling any town hall meetings in their individual districts, and added that staff would be happy to take care of scheduling, advertising, and arranging the meetings.

Supervisor Frame expressed interest in a town hall meeting next year regarding the budget, and indicated that he would reach out to staff for assistance at the appropriate time.

RE: QUARTERLY NEWSLETTER SNAPSHOT AND PUBLICATION SCHEDULE (PART OF THE COMMUNICATION PLAN)

Ashley Jacobs, Assistant to the County Administrator, presented a concept to the Board regarding the publication schedule and design of the quarterly electronic newsletter. She explained that the first edition of the quarterly electronic newsletter was slated to be issued in early July, 2013, following the release of the new County website. Ms. Jacobs discussed potential topics that could be highlighted in each edition of the newsletter, and emphasized that the newsletter would be an electronic publication only.

RE: RECESS FOR JOINT DINNER MEETING WITH THE EXTENSION OFFICE

The Board recessed at 5:08 p.m. for a joint dinner meeting with the Extension Office.

* Chairman Goodwin arrived at 5:20 p.m.

RE: RECONVENE

The Board reconvened at 7:03 p.m.

RE: CLOSED MEETING

At 7:04 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;
- One (1) matter concerning the evaluation of specific personnel - §2.2-3711(A)(1) of the Code of Virginia;
- One (1) matter concerning the consideration of the acquisition of real property for a public purpose, 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;

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 aforesaid matters in Closed Meeting.

Mr. Frame moved, seconded by Mr. White and carried, to approve the resolution authorizing Closed Meeting as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:30 p.m., Mr. Lacheney 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.

RE: PUBLIC HEARING

Julie Summs, County Administrator, explained that this public hearing was to consider the request for tax abatement for People, Inc. for a rehabilitation project in the Town of Gordonsville.

At 7:33 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

An ordinance granting a two-year real estate tax abatement to People, Incorporated for a property rehabilitation project, pursuant to §58.1-3220 VA Code Ann., for the property known as the East Gate Apartments, located at 19302 Ashlawn Court in Gordonsville, Tax Map No. 68-75C, totaling 6.816 acres. The abatement will be granted on the increased value of the property as a result of the rehabilitation project.

There being no speakers, Chairman Goodwin closed the public hearing at 7:33 p.m.

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

AN ORDINANCE TO GRANT A PARTIAL REAL ESTATE TAX EXEMPTION FOR CERTAIN REHABILITATED PROPERTY PURSUANT TO §58.1-3220 OF THE CODE OF VIRGINIA

WHEREAS, §58.1-3220 of the Code of Virginia permits a locality to provide a partial exemption of taxation of real estate on which any structure or other improvement no less than 15 years of age has undergone substantial rehabilitation, renovation, or replacement for residential use; and

WHEREAS, People, Inc. has indicated to the Orange County Board of Supervisors that it desires to renovate the East Gate Apartments located at 19302 Ashlawn Court in the Town of Gordonsville; and

WHEREAS, People, Inc. is a 501(c)3 tax exempt organization that has requested a two (2) year abatement of the real estate taxes accruing as a result of the improvements to be made to the East Gate Apartments; and

WHEREAS, the East Gate Apartments are no less than 15 years of age; and

WHEREAS, this Board has conducted a duly advertised public hearing on March 12, 2013, concerning the proposed tax exemption, and hereby finds and determines that the proposed exemption is in the best interest of the County;

NOW, THEREFORE, BE IT ORDAINED, that People, Inc. is hereby granted a two (2) year partial abatement of real estate taxes on the assessed value of East Gate Apartments in an amount equal to the full tax increase accruing from the increase in the assessed value of the property resulting from the rehabilitation of the structure as determined by the Commissioner of the Revenue. The base assessed value shall be the value of the property on January 1 of the year wherein the rehabilitation project is commenced, and the abatement shall be based on the amount that said assessment increases once the property rehabilitation is complete. The rehabilitation project must commence no later than June 1, 2014.

BE IT FURTHER ORDAINED, that the abatement shall be effective for a two (2) year period commencing upon completion of the rehabilitation and shall run with the real estate for a period of no longer than two (2) years.

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

RE: DISCUSSION ITEMS (Continued)

RE: UPDATE ON STORMWATER MANAGEMENT REGULATIONS

Gregg Zody, Planning and Zoning Director, provided an update on the Stormwater Management regulations. He explained that localities were currently required to have a plan in place by June 30, 2014. His update included information on major changes that localities should be aware of, deadlines for implementation, the potential for a one-year plan extension, local program fees, requirements for single-family home projects, and what the RRRRC was doing to assist localities.

Discussion ensued among the Board regarding: land disturbance; the collection and split of fees between the locality and the State; inspections; implementation of the Stormwater Management Plan; enforcement efforts; the model ordinance; and the mandatory requirement to implement a Stormwater Management Plan. The Board requested that staff request a one-year extension for Orange County.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report for March

RE: COMMITTEE REPORTS

RE: ACTION / DISCUSSION

RE: AMENDMENT TO AIRPORT COMMISSION BYLAWS

Mrs. Abbs moved, seconded by Mr. White and carried, authorizing an amendment to the Airport Commission Bylaws as proposed, specifically, Article V, Section 1 shall now read: "Regular meetings shall be held on the third Thursday of each odd numbered month during the year."

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

RE: INFORMATION

The Board received the following Committee Reports for its information:

- February 4, 2013 School Board Regular Meeting Minutes
- February 5, 2013 Culpeper Soil and Water Conservation District Minutes

RE: CALENDAR

The Board received copies of its calendar for the months of March, April, and May 2013.

RE: BUDGET WORKSESSION

Discussion ensued among the Board regarding: the proposed funding plan for reassessment, including the proposed extension to FY2017; the savings associated with the 8% increase in health insurance costs versus the budgeted 8.7% increase; the current tax rates and the idea of a tax increase; the School Board budget priorities; and how a potential tax increase could be allocated for spending.

Supervisor Frame suggested that the Board consider a 3¢ increase on the tax rate. However, other Board members were not convinced that an increase would solve the problem, or were opposed to any form of tax increase.

By consensus, the Board cancelled their next Budget Worksession, which was scheduled to take place on Thursday, March 14, 2013, at 5:00 p.m. and authorized staff to proceed with advertising the tax rates with no change from last year, the CIP budget as adjusted, and the Operating budget as adjusted.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved to adjourn the meeting at 8:43 p.m.
Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator