

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 12, 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; James K. White, and James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lacheny, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Crozier, 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: EMPLOYEE OF THE QUARTER

R. Bryan David, County Administrator, presented the Employee of the Quarter award to Andrew Hackey, IT Technician with the Information Technology Department.

RE: LIFE SAVING AWARDS

R. Bryan David, County Administrator, presented a Life Saving Award to the following individuals:

With the Lake of the Woods Fire & Rescue Department:

- Bob Mars
- Mike Cianci
- Jeff Liebold
- Joshua Taylor

With Lake of the Woods Maintenance:

- Daniel Smith
- TJ Oliver

With Lake of the Woods Security:

- Michael Mueller
- Erik Nelson

With the Orange County Department of Fire & EMS:

- Andrew Heneghan
- Mike Throckmorton

With the Orange County Emergency Communications Center:

- Lincoln Catron
- Heather Brown

RE: BUSINESS SPOTLIGHT

TJ Breeden, owner of TJ's Mobile Repair, LLC, appeared before the Board to spotlight his business. He explained that he began as a mobile repair business, but expanded to a shop in Gordonsville before settling at his new location on Route 20 across from the Airport. Mr. Breeden noted that he could repair automobiles, boats, and small engines, and he offered towing, vehicle transportation, and would soon begin offering Virginia state inspections.

The Board thanked Mr. Breeden for his presentation.

RE: CONSENT AGENDA

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

RE: FY16 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           |
|----------------|----------------------------|--------------------------|----------------|--------------------------|
| 30034001-34030 | Recovered Costs - General  | \$ (23,500.00)           | \$ (20,000.00) | \$ (43,500.00)           |
| 41251001-45230 | Telephone Services         | 105,691.00               | 20,000.00      | 125,691.00               |
| 43320001-46900 | Central Va Regional Jail   | 1,267,207.00             | 26,600.00      | 1,293,807.00             |
| 49140001-45920 | Reserve - CVRJ Budget      | 196,207.00               | (26,600.00)    | 169,607.00               |
| 30026003-32075 | Karate                     | (7,000.00)               | (5,000.00)     | (12,000.00)              |
| 47120006-43100 | Instruct - Karate          | 7,000.00                 | 2,500.00       | 9,500.00                 |
| 30052001-39900 | Appropriated Fund Balance  | (3,925,794.19)           | 2,500.00       | (3,923,294.19)           |
| 30026002-31830 | Vending Machine Sales      | 0.00                     | (2,000.00)     | (2,000.00)               |
| 47123401-43300 | Fees & Charges - Other     | 0.00                     | 1,500.00       | 1,500.00                 |
| 30052001-39900 | Appropriated Fund Balance  | (3,925,794.19)           | 500.00         | (3,925,294.19)           |
| 48150001-41322 | Wages - Part-time          | 0.00                     | 3,072.00       | 3,072.00                 |
| 48150001-42100 | FICA & Medicare            | 9,159.00                 | 235.00         | 9,394.00                 |
| 48150001-42710 | Workers Comp.              | 120.00                   | 3.00           | 123.00                   |
| 41222001-42900 | Organization Development   | 27,901.00                | (3,310.00)     | 24,591.00                |
| 41242001-45520 | Travel/Public Carriers     | 0.00                     | 640.00         | 640.00                   |
| 41242001-45530 | Meals/Lodging              | 0.00                     | 860.00         | 860.00                   |
| 41242001-45540 | Tuition/Registration       | 3,000.00                 | 1,000.00       | 4,000.00                 |
| 41222001-42900 | Organization Development   | 27,901.00                | (2,500.00)     | 25,401.00                |
| 30030006-33500 | Donations - Animal Shelter | (34,487.16)              | (1,475.00)     | (35,962.16)              |
| 43510002-43115 | Prof Serv. - Emer. Vet     | 790.00                   | 1,475.00       | 2,265.00                 |
| 30030006-33500 | Donations - Animal Shelter | (34,487.16)              | (4,323.00)     | (38,810.16)              |
| 43510002-43115 | Prof Serv. - Emer. Vet     | 790.00                   | 4,323.00       | 5,113.00                 |
| 47123401-48280 | Park Improvements          | 0.00                     | 12,805.00      | 12,805.00                |
| 49140001-45900 | Contingency                | 180,618.58               | (12,805.00)    | 167,813.58               |
| <b>TOTALS</b>  |                            | <b>\$ (6,124,678.12)</b> | <b>\$ 0.00</b> | <b>\$ (6,124,678.12)</b> |

RE: SURPLUS DISPOSITION OF COUNTY VEHICLES

As part of the Consent Agenda, the Board declared the following vehicles as surplus, and authorized the County Administrator to initiate disposal of said vehicles in accordance with the Board-adopted Surplus Disposition Policy:

1. 2008 Dodge Charger (VIN #9795)
2. 1998 Subaru Forester (VIN #0535)
3. 2008 Dodge Charger (VIN # 9796)
4. 1986 Chevrolet Truck (VIN #5294)
5. 2009 Dodge Charger (VIN #0772)
6. 1994 Honda Accord (VIN #1084)

RE: MINUTES

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

- March 22, 2016 Worksession
- March 22, 2016 Regular Meeting
- April 5, 2016 Budget Public Hearing

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: ECONOMIC DEVELOPMENT STRATEGIC PLAN

Tommy Miller, Economic Development Director, presented the Economic Development Strategic Plan to the Board. He reviewed and highlighted the overall development and adoption process; the Mission Statement and Vision Statement; target industries; stakeholder feedback; and departmental goals and strategies.

The Board thanked Mr. Miller for his presentation.

RE: ECONOMIC DEVELOPMENT QUARTERLY REPORT

Tommy Miller, Economic Development Director, presented the Economic Development Quarterly Report to the Board, which included information on the following topics:

- Unemployment statistics;
- Orange Workforce Center statistics;
- Quarterly prospect activity;
- Website statistics; and
- Other activities throughout the last quarter.

The Board thanked Mr. Miller for his presentation.

RE: COUNTY ATTORNEY'S REPORT

RE: MEMORANDUM OF AGREEMENT WITH ORANGE COUNTY RESCUE SQUAD, INC.

Thomas Lacheney, County Attorney, presented a Memorandum of Agreement with Orange County Rescue Squad, Inc. to the Board for its consideration. He explained that Orange Rescue would move from a Designated Emergency Response Agency (DERA) status to a non-DERA status, and would operate under the County's DERA status. Mr. Lacheney added that this agreement would define the relationship and responsibilities between the County of Orange and Orange Rescue for this arrangement.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized the Chairman and the County Administrator to execute the Memorandum of Agreement with Orange County Rescue Squad, Inc., as presented.

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

RE: COUNTY ADMINISTRATOR'S REPORT

RE: GERMANNA-WILDERNESS AREA PLAN (GWAP) UPDATE

R. Bryan David, County Administrator, and members of the Germanna-Wilderness Area Plan Steering Committee, provided an update to the Board on the most recent Steering Committee Meeting. Members reviewed the work that Draper Aden had completed on the initial phase of the Master Utilities Plan, including density and development assumptions, estimated usage in gallons per day, and work on identifying water sources.

The Board took the information regarding the Germanna-Wilderness Area Plan under advisement, and there was no action taken at this time.

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. He reviewed the work to-date on the RFP process for professional engineering services; the work being completed by Wiley|Wilson on the space needs assessment; the public hearing process for creation of the Orange County Broadband Authority; an update on the Schools' Wide-Area Network and Broadband Project and the use of e-Rate funds; and the development of financing strategies.

The Board took the information regarding the Public Safety Telecommunications and Facility Project under advisement, and there was no action taken at this time.

RE: NEW BUSINESS

RE: ORDINANCE TO ESTABLISH TAX LEVIES FOR THE TAX YEAR BEGINNING JANUARY 1, 2016

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

ORDINANCE TO ESTABLISH TAX LEVIES FOR THE TAX YEAR BEGINNING  
JANUARY 1, 2016

WHEREAS, notice was advertised of proposed tax levies pursuant to §§15.2-1427 and 58.1-3007 VA Code Ann., and a public hearing was held on April 5, 2016;

NOW, THEREFORE, BE IT ORDAINED, on this 12<sup>th</sup> day of April, 2016, that the Orange County Board of Supervisors hereby establishes the tax levies for the County of Orange, Virginia, as follows, for the tax year beginning January 1, 2016:

REAL ESTATE, pursuant to §58.1-3000 VA Code Ann., including equalized public service corporation real estate as defined by §58.1-2605 VA Code Ann., including a manufactured home as defined by §36-85.3 VA Code Ann.: \$0.804 per \$100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

MOBILE HOMES CLASSIFIED AS PERSONAL PROPERTY, as defined by §36-85.3 VA Code Ann. and pursuant to §58.1-3506(A)(10) VA Code Ann.: \$0.804 per \$100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506.1 VA Code Ann., including but not limited to, motorcycles and other motor vehicles, but excluding watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: \$3.75 per \$100.00 assessed valuation (subject to County ordinance granting exemption for pollution control equipment).

BUSINESS TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3506(A)(26) VA Code Ann., including furniture, equipment, trade fixtures, hand-powered tools, office machines, business mobile telephones, books, signs, and other tangible personal property used in business except for automobiles or trucks, which will be taxed as tangible personal property: \$2.20 per \$100.00 assessed valuation.

PROGRAMMABLE COMPUTER EQUIPMENT AND PERIPHERALS USED IN A TRADE OR BUSINESS, pursuant to §58.1-3506(A)(27) VA Code Ann.: \$2.20 per \$100.00 assessed valuation.

AIRCRAFT, pursuant to §58.1-3506(A)(2), (3), (4) and (5) VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

WATERCRAFT AND BOATS, pursuant to §58.1-3506(A)(1)(a), (1)(b), (12), (28), (29), (35) and (36) VA Code Ann.: \$2.09 per \$100.00 assessed valuation.

PRIVATELY OWNED MOTOR HOMES USED FOR RECREATIONAL PURPOSES, pursuant to §58.1-3506(A)(30) VA Code Ann.: \$2.62 per \$100.00 of assessed valuation.

ALL OTHER RECREATIONAL VEHICLES, pursuant to §58.1-3506 (A)(18), §58.1-3506(B) VA Code Ann., including but not limited to, privately owned camping and travel trailers, and certain trailers used for the transportation of horses: \$2.62 per \$100.00 of assessed valuation.

FARM MACHINERY, as defined by §58.1-3505(8) and (10) VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

MACHINERY AND TOOLS, as defined by §58.1-3507 VA Code Ann.: \$1.831 per \$100.00 assessed valuation.

HEAVY CONSTRUCTION EQUIPMENT, as defined by §58.1-3508.2 VA Code Ann.: \$2.20 per \$100.00 assessed valuation.

FOREST HARVESTING MACHINERY, as defined by §58.1-3508 VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

MERCHANTS CAPITAL, as defined by §58.1-3000, §58.1-3509 *et seq.* VA Code Ann.: \$0.40 per \$100.00 of assessed valuation.

MOTOR VEHICLE LICENSE TAX, as defined by §46.2-752 VA Code Ann. and §62-36 *et seq.* Orange County Code: \$35.00 per year for cars and trucks, and \$21.00 per year for motorcycles.

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

RE: CLOSED MEETING

At 5:59 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:

- 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 concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - §2.2-3711(A)(5) 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)(5), 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. Goodwin, seconded by Mr. Crozier, 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 7:01 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: PUBLIC COMMENT

At 7:01 p.m., Chairman Frame opened the floor for public comment.

There being no speakers, public comment was closed at 7:01 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 (2) public hearings had been scheduled and advertised, the first being held on March 8, 2016.

At 7:03 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:

- Carmen McGhee, resident of Orange County
- Jay Billie, 12256 Montford Road, Orange
- Charles Pierce, 18391 Brick Church Road, Orange
- S. P. Higginbotham, resident of Orange County
- Aubrey Treakle, Jr., 13137 Marquis Road, Orange

There being no further speakers, Chairman Frame closed the Public Hearing at 7:22 p.m.

Discussion ensued among the Board regarding: the idea that the ordinance should narrowly address the issues with trash and debris; the appreciation for all public comment receiving during both public hearings; the need to refine the language before adoption; and roadside litter clean-up.

By consensus, the Board requested that staff schedule a Worksession item for April 26, 2016, in order to further discuss and refine the language in the proposed trash and debris ordinance.

RE: OLD BUSINESS

RE: REZ 15-01; GARRETT STREET, LLC (TABLED FROM THE JANUARY 26, 2016 PUBLIC HEARING)

Robert Springer, Applicant, provided brief updates on work completed since the Public Hearing previously held on January 26, 2016, specifically related to water availability. He introduced Mr. Vincent Day, hydrogeologist, who provided a brief presentation on preliminary findings from the hydrogeological testing conducted on the subject site.

Discussion ensued among the Board regarding: water yield and sustainability; estimated usage per day; storage of water; recovery periods; and water treatment.

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board voted to defer action on the application for REZ 15-01 until the April 26, 2016 Regular Meeting.

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

RE: BOARD COMMENT

Supervisor Johnson commented on a situation with Fire & EMS regarding dedicated drivers and the use of various fire and rescue apparatus, and discussion ensued among the Board regarding its interest in making any related policy changes.

Members of the Board also commented on the success of the 100<sup>th</sup> Anniversary Celebration for the Gordonsville Volunteer Fire Company.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- December 17, 2015 Rapidan Service Authority Minutes
- January 21, 2016 Health Center Commission Minutes
- February 29, 2016 Health Center Commission Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Lee Frame as an At-Large Representative on the Rapidan Service Authority for a four-year term, with said term commencing June 25, 2016, and expiring on June 24, 2020.

By consensus, the Board appointed Matthew Lazar as the At-Large Representative on the Skyline Community Action Program, filling the unexpired three-year term of Shellie Bowman, with said term commencing immediately, and expiring on December 31, 2018.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR AMENDMENTS TO THE ZONING ORDINANCE REGARDING HOME-BASED BUSINESSES

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for amendments to the Zoning Ordinance regarding home-based businesses on Tuesday, May 24, 2016 at 7:00 p.m.

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

RE: SCHEDULE A PUBLIC HEARING FOR AMENDMENTS TO THE ZONING ORDINANCE REGARDING ARTICLE II (ADMINISTRATION)

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for amendments to the Zoning Ordinance regarding Article II (Administration) on Tuesday, May 10, 2016 at 7:00 p.m.

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

RE: SCHEDULE A PUBLIC HEARING FOR ADOPTION OF THE SECONDARY SIX-YEAR PLAN

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for adoption of the Secondary Six-Year Plan on Tuesday, May 10, 2016 at 7:00 p.m.

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

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 8:11 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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Lee H. Frame, Chairman

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R. Bryan David, County Administrator