BOARD OF SUPERVISORS MINUTES

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 23, 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 A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mrs. Abbs moved, seconded by Mr. Frame 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	A	AMOUNT	FUNDING SOURCE
April 23, 2013 for FY20 1	3			
Forfeited Asset Fund	Sheriff	\$	278.80	DCJS Forfeited Assets
Subtotal Forfeited Asset Fund		\$	278.80	
Building Inspection	2% State Surcharge	\$	2,100.00	Building Permit Collections
Subtotal Building Inspection		\$	2,100.00	
Animal Shelter	Emergency Vet	\$	1,885.70	Donations
Animal Shelter	Adoptable S/N	\$	40.00	Donations
Animal Shelter	Postage	\$	20.00	Donations
Subtotal Animal Shelter		\$	1,945.70	
Library-Orange	Replacement Purchases	\$	372.07	Refunds for Lost Books
Library-Wilderness	Replacement Purchases	\$	322.76	Refunds for Lost Books
Library-Gordonsville	Replacement Purchases	\$	341.41	Refunds for Lost Books
Subtotal Library	•	\$	1,036.24	

RE: RESOLUTION AUTHORIZING FIRE INVESTIGATOR TITLE CHANGE

The Board approved the following resolution as presented:

RESOLUTION AUTHORIZING A TITLE CHANGE FROM "FIRE INVESTIGATOR" TO "FIRE MARSHAL"

WHEREAS, in March 2012, the Board of Supervisors appointed Mr. Craig Johnson as Fire Investigator for the County of Orange, with all the authority of a fire marshal; and

WHEREAS, Mr. Johnson has the training and credentials for the position of fire marshal, including certifications from the Virginia Fire Marshal's Academy, the Department of Fire Programs, and the Department of Housing and Community Development, including, but not limited to, certifications as Fire Investigator, Fire Inspector, Fire Prevention Inspector, and graduation from the Virginia Law Enforcement Academy for Fire Marshals; and

WHEREAS, Mr. Johnson has shown competency and wisdom in the performance of his duties since being appointed as Fire Investigator;

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of Supervisors authorizes a title change for Craig Johnson from "Fire Investigator" to "Fire Marshal," with all the authority, powers, and duties previously endowed in him as Fire Investigator.

RE: RESOLUTION IN RECOGNITION OF THE 20TH ANNUAL BUSINESS AND INDUSTRY APPRECIATION EVENT

The Board approved the following resolution as presented:

RESOLUTION IN RECOGNITION OF THE 20TH ANNUAL BUSINESS AND INDUSTRY APPRECIATION EVENT

WHEREAS, business and industry is an integral part of the local economy and vibrant community in Orange County, offering a broad range of employment opportunities and providing a stable revenue base that helps support public services for the citizens of Orange County; and

WHEREAS, the Board of Supervisors recognizes the jobs and investments created by business and industry throughout the County, from agriculture, commercial, and manufacturing services; and

WHEREAS, throughout the years, business and industry have greatly contributed to Orange County's growth and prosperity, which led to Orange County's recognition as one of Virginia's most outstanding communities to work and live; and

WHEREAS, the Board of Supervisors values business and industry in Orange County as a partner and neighbor and recognizes the contributing impact that business and industry lends to the Orange County economy and community as a whole; and

WHEREAS, the Orange County Chamber of Commerce has been a constant in leading or in support of an event to celebrate business and industry;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors recognizes that 2013 marks the 20th year of celebrating the Business and Industry Appreciation Event in Orange County, recognizes the positive impacts that business and industry have made in the local economy and growth over the last twenty years, and thanks the Orange County Chamber of Commerce for their organization of festivities; and

BE IT FURTHER RESOLVED, that the Board of Supervisors recognizes that the 20th Annual Business and Industry Appreciation Event will take place on the evening of May 16, 2013, at the Orange County Airport Terminal.

RE: RESOLUTION IN RECOGNITION OF THE THOMAS JEFFERSON PARTNERSHIP FOR ECONOMIC DEVELOPMENT RE-BRANDING INITIATIVE

The Board approved the following resolution as presented:

RESOLUTION IN RECOGNITION OF THE THOMAS JEFFERSON PARTNERSHIP FOR ECONOMIC DEVELOPMENT RE-BRANDING INITIATIVE

WHEREAS, Orange County has been a member of the Thomas Jefferson Partnership for Economic Development since its inception in 1995 as the regional economic development organization serving Charlottesville, Albemarle, Culpeper, Fluvanna, Greene, Louisa, Nelson and Orange counties; and

WHEREAS, Orange County has supported regional economic development and its importance in promoting the Region to recruit new business and industry, which contributes to the growth and prosperity of Orange County and the surrounding localities; and

WHEREAS, the rebranding and renaming of the Thomas Jefferson Partnership for Economic Development to Central Virginia Partnership for Economic Development creates an awareness of a mid-Atlantic location located within the Commonwealth of Virginia that is close to major Eastern population centers; and

WHEREAS, the new and improved marketing messaging will be an important tool when promoting the area to site selectors and other business professionals considering a new location; and

WHEREAS, it has been mentioned that the new name and logo will give Central Virginia Partnership for Economic Development a "louder voice and bigger footprint" needed in the marketplace;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby recognizes the importance of regional economic development collaboration and wishes to extend its support to the Central Virginia Partnership for Economic Development; and

BE IT FURTHER RESOLVED, that effective March 21, 2013, the Board of Supervisors recognizes that the regional economic development organization will be called *Central Virginia Partnership for Economic Development* and congratulates The Partnership on their rebranding initiative and marketing strategy.

RE: PROCLAMATION FOR NATIONAL TRAVEL AND TOURISM WEEK

The Board approved the following proclamation as presented:

PROCLAMATION TO DECLARE THE WEEK OF MAY 4 - MAY 12, 2013 AS TOURISM AND TRAVEL WEEK IN ORANGE COUNTY

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the week of May 4 – May 12, 2013 as Tourism and Travel Week in Orange County, Virginia.

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating \$1.9 trillion in economic output in 2011, with \$813 billion spent directly by travelers that spurred an additional \$1.1 trillion in other industries; and

WHEREAS, travel is among the largest private-sector employers in the United States, supporting 14.4 million jobs in 2011, including 7.5 million jobs directly in the travel industry and 6.9 million jobs in other industries; and

WHEREAS, meetings, events, and incentive travel are core business functions that help companies strengthen business performance – averaging a return on investment of \$12.50 in profits and \$3.80 in revenue for every dollar spent on corporate travel; and

WHEREAS, tourism was again an important contributor to the local economy of Orange County in 2011 - Orange County's attractions, hospitality industry, and tourism-related businesses brought in a total of \$41.68 million in revenue for 2011, which was a 10.2% increase over the previous year, and provided \$2.97 million in state and local tax revenue; and

WHEREAS, visitation in Orange County totaled over 330,000 in 2012 and included annual events such as Historic Garden Week, Montpelier Wine Festival, Trashy Ribs and Blues Festival, Big Damn Bike Show, Orange County Fair, Orange Street Festival, Somerset Steam and Gas Show, Gordonsville Street Festival, Montpelier Fiber Festival, and the Montpelier Hunt Races; and

WHEREAS, in 2012, the tourism community also added new events, such as the Edible Fest and the Liberty Ride, aimed at perpetuating the growth of tourism in Orange County; and

WHEREAS, Orange County continues to commemorate the sesquicentennial of the Civil War by planning and executing events to commemorate the 150th Anniversary of the Battle of Orange Courthouse, the Mine Run Campaign, and the Battle of the Wilderness; and

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' creativity, cultural awareness, education, happiness, productivity, relationships, and wellness; and

WHEREAS, travel is a catalyst that moves the national economy forward;

NOW, THEREFORE, BE IT PROCLAIMED, that the Orange County Board of Supervisors hereby declares May 4 - May 12, 2013, as Travel and Tourism Week in Orange County, and urges the citizens of Orange County to join in this special observance through appropriate events and commemorations.

RE: SURPLUS DISPOSITION OF COUNTY VEHICLE

As detailed in the memorandum provided to the Board by Stephanie Straub, Procurement and Grant Coordinator, a request had been received from the Sherriff's Department to surplus the 2001 Crown Victoria (VIN# 7788), which was no longer operable or feasible to make operable.

The Board authorized the County Administrator to initiate disposal of the 2001 Crown Victoria (VIN# 7788) in accordance with the Board-adopted Surplus Disposition Policy.

RE: MINUTES

The Board approved the following minutes:

April 9, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: BUSINESS SPOTLIGHT

Mr. Lenny Schafer, Owner of Clearwater Grill, appeared before the Board to spotlight his business. He stated that he moved his business to Orange County from Northern Virginia in 2005, and was a restaurant with a full-service bar and both dining room and patio areas. Mr.

Schafer explained that he also offered catering services and desserts through a sister company called Sweet Reasons. He took pride in the fact that his restaurant served homemade and madefrom-scratch menu items.

The Board thanked Mr. Schafer for his presentation.

RE: PRESENTATION OF RESOLUTION IN RECOGNITION OF THE 20TH ANNUAL BUSINESS AND INDUSTRY APPRECIATION EVENT

Chairman Goodwin read the resolution and presented a copy to Deanne Marshall and Ralph Short, representatives of the Orange County Chamber of Commerce.

Supervisor White congratulated the Chamber of Commerce on recently hosting such a wonderful Banquet event.

RE: <u>PRESENTATION OF PROCLAMATION FOR NATIONAL TRAVEL AND TOURISM WEEK</u>

Chairman Goodwin read the proclamation and presented a copy to Leigh Mawyer, Tourism Manager.

RE: TOURISM QUARTERLY REPORT

Leigh Mawyer, Tourism Manager, presented her Quarterly Report to the Board, which included information on the following:

- launching of the Tourism Facebook page;
- delivery of the new Orange County Visitor's Guide;
- tourism statistics from the last quarter;
- creation of the Tourism Advisory Committee;
- development of the Business Symposium event; and
- upcoming events around the County.

RE: <u>ECONOMIC DEVELOPMENT QUARTERLY REPORT</u>

Karen Epps, Economic Development Director, presented her Quarterly Report to the Board, which included information on the following:

- Business Retention and Expansion Program (BRE);
- visitation at the Orange Workforce Center;
- prospect activity from the first quarter of 2013;
- Thomas Jefferson Partnership for Economic Development rebranding; and
- discussions of a pad site for the Economic Development Authority.

RE: PUBLIC COMMENT

At 5:33 p.m., Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor White provided an update on the TV Whitespace Broadband project occurring in Louisa County, as previously discussed. He indicated that FCC approval had been obtained and installation had begun on two towers at this time.

Chairman Goodwin reminded the Board of the upcoming High Rollers Classic Basketball tournament and encouraged everyone to attend.

RE: ACTION ITEMS

There were no Action Items for consideration at this meeting.

RE: <u>APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES</u>

RE: APPOINTMENT TO YOUTH COUNCIL

Alisha Vines, Office on Youth Director, explained that as each school year progressed, some members of the Youth Council felt that they could not commit the necessary time as originally planned and this school year, two alternates and one regular member had resigned. Ms. Vines requested that the Board appoint Samuel Kessler, III to the Youth Council as a regular member to serve through the remainder of this school year.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to appoint Samuel Kessler, III, to the Orange County Youth Council as a regular member for the remainder of the 2012 - 2013 school year.

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

RE: VACANCIES ON CPMT AND FAPT

Alisha Vines, Office on Youth Director, stated that per the Orange County Community Policy and Management Team (CPMT) bylaws, the members of the CPMT must be appointed by the Board of Supervisors. She explained that the eight (8) person membership must meet the requirements of §2.2-5205 VA Code Ann. and must include, at a minimum, the local agency heads or their designees that have authority to approve funds from several required community agencies. Ms. Vines further explained that it was a requirement to have a representative from a private provider as well as a parent representative. She requested that the Board approve the appointments to the CPMT as shown below.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to appoint the following members to the Orange County CPMT and FAPT for the remainder of 2013:

Entity

Local Government Official
Community Services Board
16th District Court Service Unit
Orange County Health Department
Orange County Dept. of Social Services
Orange County Public School System
Private Provider Representative
Parent Representative

Representative

Alisha Vines, OOY Director
Becky Sitnik, Orange CSB Clinic Manager
Barbara Ferrier, Court Services Supervisor
Marilyn Dunphy, Nutritionist
Robert Lingo, Director of Orange DSS
Vickie Baker, Compliance Coordinator
Joseph Nagle, Psychology Associates
Vacant

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

Ms. Vines reminded the Board that the Parent Representative position was still vacant, but was actively being pursued and she welcomed suggestions from the Board.

RE: DISCUSSION ITEMS

RE: PROPOSAL FOR OPEN BURNING ORDINANCE

This item was struck from the agenda.

RE: <u>SCHOOL RESOURCE OFFICER (SRO) / SCHOOL SECURITY OFFICER (SSO)</u> INCENTIVE GRANT PROGRAM

Julie Summs, County Administrator, explained that after learning more about the grant opportunity from the Department of Criminal Justice Services, the Sheriff's Department has recommended and asked that the County not proceed with applying for the grant. She explained that since the Board had acted to approve applying for the grant previously, action was being requested to rescind the previous approval for grant application.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to request that the Sheriff's Office not proceed with the grant from the Department of Criminal Justice Services (DCJS) for School Resource Officers (SRO) and School Security Officers (SSO).

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

RE: AMENDMENTS OR CREATION OF ORDINANCES PROPOSED BY STAFF

Supervisor Abbs explained that she felt it would be beneficial if staff informally sent information to the Board on the amendment to or creation of policies and ordinances in order to gauge interest from the Board first, rather than formally scheduling the discussion item on the agenda. She further explained that it would save staff time by allowing the Board an opportunity to ask questions without an entire ordinance or policy being drafted.

Discussion ensued among the Board regarding: the process by which amendments are initiated; the reduction in work if the Board is not interested in the amendment or creation of the ordinance; use of the State model ordinance for the open burning ordinance; and a request from the Board to get answers to their questions and concerns on the open burning ordinance before proceeding any further.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Target Market Study Update
- Treasurer's Report for March
- CSA Monthly Report for March

RE: <u>COMMITTEE REPORTS</u>

The Board received the following Committee Reports for its information:

- March 4, 2013 School Board Minutes
- April 24, 2013 Lake Anna Advisory Committee Packet

RE: <u>CALENDAR</u>

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

RE: SCHEDULE A PUBLIC HEARING FOR SUP 13-01: ERNIE JOHNSON ON BEHALF OF JOHNSON FUNERAL HOME

By consensus, the Board scheduled a Public Hearing for SUP 13-01: Ernie Johnson on behalf of Johnson Funeral Home for Tuesday, May 28, 2013 at 7:30 p.m.

RE: <u>INVITATION TO ATTEND AN EVENT AT MONTPELIER</u>

By consensus, several members of the Board agreed to attend an event at Lewis Hall in Montpelier on Thursday, May 2, 2013 at 10:00 a.m.

RE: SCHEDULE A JOINT MEETING WITH THE PLANNING COMMISSION AND ECONOMIC DEVELOPMENT AUTHORITY

By consensus, the Board scheduled a joint meeting with the Planning Commission and the Economic Development Authority on Thursday, May 9, 2013 at 7:00 p.m.

RE: CLOSED MEETING

At 5:56 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 matter:

- 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 aforestated matter 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: <u>CERTIFICATION OF CLOSED MEETING</u>

At 7:31 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.

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

RE: PUBLIC HEARING

Gregg Zody, Planning and Zoning Director, reviewed the staff report and request from Signature Series Development LLC, which included information on the location and specifications of the subject property, the rezoning request, the recommendation from the Planning Commission, and the current version of the proposed proffers.

Rex Edwards, legal counsel for the applicants, addressed the Board and offered to answer any questions. There were no questions from the Board at the time.

Mr. Philip Hammer, Vice President of S. Patz and Associates, Inc., addressed the Board and summarized the economic impact analysis prepared for Signature Series at full build-out.

Discussion ensued among the Board regarding: residential revenue; assessed values used for the townhomes in the economic impact analysis; an amendment to the first proffer regarding commercial and residential development; the three-year timeframe for the residential development; commercial versus residential development plans; accumulation of litter on the property; and stormwater management.

John Marcantoni, applicant, addressed the Board and made a statement regarding his request for rezoning and offered to answer any questions. There were no questions from the Board at the time.

At 7:57 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

REZ 11-01: Application by Signature Series Development LLC, owner, requesting a rezoning of approximately 75.8 acres ("Subject Property") from Agricultural (A) to approximately 47.6 acres of Multifamily Residential (R-4) and approximately 28.2 acres of General Commercial (C-2) subject to seven (7) proffered conditions set forth within a document entitled "Rezoning Application Supporting Documentation - Signature Station," dated February 17, 2011. The application explains that the rezoning is requested in order to advance a project to be known as Signature Station as shown on the Generalized Development Plan ("GDP"); although the applicant reserves the right to make modifications or changes to the GDP in order to address final engineering, architectural, and design issues. The Subject Property is identified on Orange County Tax Map 4 as Parcel 3 ("Parcel 4-3"). Parcel 4-3 has frontage on Germanna Highway (Route 3) approximately 2,800 feet northwest of Flat Run Road (Route 601), and is situated between Hampton Lane and Somerset Ridge Road (Route 708). The Subject Property is designated as Mixed Use on the Future Land Use Map. Rezoning of the Subject Property to R-4 and C-2, subject to the proffered development conditions, would allow a range of residential and commercial uses by-right, as set forth within Sections 70-422 and 70-482 of the Orange County Zoning Ordinance.

The following individuals spoke:

- Karen Quanbeck, 2062 College Drive, Locust Grove, Virginia, on behalf of the Memorial Foundation of the Germanna Colonies in Virginia
- William Edens, 35410 Wilderness Shores Way, Locust Grove, Virginia, on behalf of the Wilderness Shores Homeowners Association
- Matthew Sutton, 35433 Somerset Ridge Road, Locust Grove, Virginia
- Steve Satterfield, 21041 Clarks Mountain Road, Rapidan Virginia
- Jonathan Chasen, 7165 Cornfield Lane, Rhoadesville, Virginia, on behalf of the Orange County Chamber of Commerce
- Dan Holmes, resident of Culpeper, Virginia, on behalf of the Piedmont Environmental Council
- Teri Pace, 25485 Gooch Lane, Unionville, Virginia
- Kevin Carr, 28643 Morel Way, Rhoadesville, Virginia
- Barbara Culbert, 14201 Cox Mill Road, Gordonsville, Virginia

There being no further speakers, Chairman Goodwin closed the public hearing at 8:21 p.m.

Discussion ensued among the Board regarding: a point of clarification on the removal of the cash proffers for the residential development; one-time revenue versus recurring revenue as a result of the development; estimates for sales tax used in the economic impact analysis; clarification on the proffer for the E-911 Center; screening buffers along Route 3; and transportation issues.

Dan Painter, representative from the Virginia Department of Transportation, provided information regarding: the Transportation Impact Analysis that was performed for this development; entrances and exits to the development; traffic accommodations through the stop lights and turn lanes; the combined impact on Route 3 traffic; and the acceptable level of service for this development.

Further discussion ensued among the Board regarding: water storage; other proffers or language to be clarified or identified; and the potential to proffer size limits for the townhomes.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to table the decision on REZ 11-01: Signature Series Development, LLC for a request to rezone approximately 75.8 acres from Agricultural (A) to approximately 47 acres of Multifamily Residential (R-4) and approximately 28 acres of General Commercial (C-2) until May 14, 2013.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 8:55 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

O Taal Caadh in Ohairman
S. Teel Goodwin, Chairman
Julie G. Summs, County Administrator