#### **BOARD OF SUPERVISORS MINUTES**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 28, 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 Mr. White and carried, to adopt the agenda as modified. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

#### RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the Consent Agenda as presented.

#### RE: PROCLAMATION FOR VIRGINIA'S BUSINESS APPRECIATION WEEK

The Board approved the following proclamation as presented:

# PROCLAMATION FOR VIRGINIA'S BUSINESS APPRECIATION WEEK Advancing Workforce Excellence – June 3-7, 2013

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the week of June 3, 2013 through June 7, 2013 as Business Appreciation Week in Orange County, Virginia.

WHEREAS, Governor Robert F. McDonnell has recognized June 3-7, 2013 as Business Appreciation Week in the Commonwealth of Virginia, and called this observance to the attention of all citizens; and

WHEREAS, Orange County businesses play a pivotal role in the strengthening of the Commonwealth by embracing job creation, innovative technologies, and employing a diverse workforce to preserve the economic well-being of all our citizens; and

WHEREAS, Business Appreciation Week offers the citizens of Orange County a unique opportunity to recognize Orange County businesses for the essential role they play in moving Virginia forward; and

WHEREAS, the theme for Business Appreciation Week 2013 is "Advancing Workforce Excellence", and this focus enables the County to celebrate the many ways in which the Commonwealth's workforce strengthens and diversifies state and local government, makes industries more productive, as well as enhancing the lives of workers themselves in communities throughout Virginia;

NOW, THEREFORE, BE IT PROCLAIMED, that the Orange County Board of Supervisors do hereby recognize June 3-7, 2013 as Business Appreciation Week in the County of Orange and call this observance to the attention of all our citizens.

## RE: MEMBERSHIP ON TOURISM ADVISORY COMMITTEE

As detailed in the memorandum provided to the Board by Leigh Mawyer, Tourism Manager, staff had given consideration to the individuals to be appointed by the Board to serve on the Tourism Advisory Committee. Ms. Mawyer noted that staff had met and developed recommendations for sixteen (16) individuals to be appointed to the Committee.

The Board appointed the sixteen (16) individuals recommended by staff as the inaugural members of the Tourism Advisory Committee, with term dates as detailed in the table below:

REPRESENTATIVE	CATEGORY	TERM
Julie Reed	Montpelier	Indefinite
Deanne Marshall	Chamber of Commerce	Indefinite
Page Sullenberger	Orange Downtown Alliance	Indefinite
Jay Billie Inn at Westwood Farm	Inns at Montpelier	2 year term
Luca Paschina Barboursville Vineyards	Wineries	2 year term
Marty Van Santvoord Beggars Banquet	Restaurants	2 year term
David Scibal Inn at Willow Grove	Hotels	2 year term
Kent Woods Liberty Mills	Agritourism	2 year term
Zann Nelson FOWB	Arts, Theater, Culture	2 year term
Bobby Lewis Meadows Farms Golf	Leisure Activities	2 year term
Bonnie Robinson Waugh Enterprises	Retail	2 year term
Mansour Azimipour A & K Development	At-Large Member	1 year term
Gigi Rucker Skydive Orange	At-Large Member	1 year term
David Lamb Oakland Heights	At-Large Member	1 year term
Laurie Holladay Laurie Holladay Interiors	At-Large Member	1 year term
Frank Walker Tourguide, Ltd.	At-Large Member	1 year term

#### RE: MINUTES

The Board approved the following minutes:

- May 9, 2013 Joint Meeting
- May 14, 2013 Regular Meeting

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

# RE: PUBLIC APPEARANCES

#### RE: BUSINESS SPOTLIGHT

Ms. Beth Seale, Owner of Rapidan River Kayak Company, appeared before the Board to spotlight her business. She discussed her background, when her business was started, and what services she provided, including guided kayak tours and safety and skill instruction courses along the Rapidan River. Ms. Seale shared the different varieties of wildlife spotted on the kayak tours, including two adult resident bald eagles.

The Board thanked Ms. Seale for her presentation.

## RE: UPDATE ON RAPPAHANNOCK RIVER BASIN COMMISSION

Mr. Eldon James appeared before the Board to provide an update on the Rappahannock River Basin Commission, including a summary of the Rainfall, Stream, and Water Quality Gauging Analysis study recently performed by the U.S. Army Corps of Engineers. Mr. James discussed priorities and costs associated with the implementation of the gauging network; basin-wide planning; future water supply needs; and stormwater management implementation.

Discussion ensued among the Board regarding: preparation efforts in terms of flooding and property damage from flooding; the public safety standpoint on needing and having real-time data associated with rainfall and water quality; water quality and stormwater efforts and measurements; increments in which the real-time measurements would be recorded; the different areas of water quality that would be measured by the gauges; and the current location of gauges in the region.

The Board thanked Mr. James for his presentation.

# RE: <u>PRESENTATION OF SELF-FUNDED INSURANCE OPTIONS FOR MEDICAL</u> COVERAGE

David Blanchard, Principal from Digital Benefit Advisors, gave a presentation to the Board regarding the County's options to move from full-funded insurance to self-funded insurance. His presentation also included information on the latest development with the Martha Jefferson Hospital ER doctors; renewal rates proposed from Anthem; and benefits to moving to self-funded insurance.

Discussion ensued among the Board regarding: the figures used for the calculation of the projected savings with self-funded insurance; stop loss premiums; advantages of self-funded insurance; cost savings associated with self-funded insurance; recommendation on who would manage the reserves; and health awareness or promotion programs.

The Board thanked Mr. Blanchard for his presentation.

# RE: OFFICE ON YOUTH QUARTERLY REPORT

Alisha Vines, Office on Youth Director, presented the Office on Youth Quarterly Report, which included information on the following topics:

- the Strengthening Families program;
- statistics for the Virginia Juvenile Community Crime Control Act program;
- the success of the After Prom party;
- the campaign for Distracted Driving Prevention;
- a report on the Child Care programs;
- membership on the Youth Commission; and
- upcoming events and programs.

Discussion ensued among the Board regarding the CSA audit.

The Board thanked Ms. Vines for her presentation.

#### RE: PRESENTATION OF VIRGO AWARD FOR BEST REGIONAL MARKETING INITIATIVE

Chairman Goodwin presented the VIRGO Award for Best Regional Marketing Initiative to Leigh Mawyer, Tourism Manager. The Award was received as part of a regional initiative involved in creating a Civil War mobile website.

## RE: <u>SOFT LAUNCH OF NEW COUNTY WEBSITE</u>

Ashley Jacobs, Assistant to the County Administrator, introduced the new website to the Board and highlighted some of the key features, including the Agenda Center, "How Do I" capabilities, "Notify Me" subscription options, and online services and payments.

#### RE: PUBLIC COMMENT

At 6:42 p.m., Chairman Goodwin opened the floor for public comment.

The following individual spoke:

- Mr. Henry Lee Carter, Orange Town Council Member

There being no further speakers, public comment was closed at 6:45 p.m.

#### RE: CLOSED MEETING

At 6:46 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 Mrs. Abbs 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 7:38 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

Josh Frederick, Senior Planner, reviewed the staff report and request from Johnson Funeral Home, which included information on the location and specifications of the subject property, the request for the Special Use Permit, the recommendation from the Planning Commission, and the conditions of the SUP being proposed by staff. The Board asked what would happen to the existing crematorium and Mr. Frederick replied that it would be decommissioned.

Ernie Johnson, applicant, addressed the Board and explained that the existing crematorium would be decommissioned, but would not be torn down as it would be used to store maintenance equipment. He also offered to answer any questions. The Board asked Mr. Johnson if he was opposed to any of the conditions of the SUP proposed by staff, and Mr. Johnson indicated that he was not.

At 7:43 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

**SUP 13-01:** Ernie Johnson, on behalf of Johnson Funeral Home, has applied for an amendment of the Funeral Home's original Special Use Permit (#88-5), which permitted a crematorium in an existing building on-site. The applicant's request is to decommission the existing crematorium and construct a new, smaller facility nearby on-site that will better serve the Funeral Home's current needs. Johnson Funeral Home is located at 31440 Constitution Highway and referenced as Tax Map No. 22-19. The parcel is 56.08 acres, zoned Agricultural (A), and is located approximately 34 miles west of the intersection of Hwy. 20 and Route 611 (Zoar Road).

There being no speakers, Chairman Goodwin closed the Public Hearing at 7:43 p.m.

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

WHEREAS, Mr. Ernie Johnson, on behalf of Johnson Funeral Home, has applied for an amendment of the Funeral Home's original Special Use Permit (#88-5) which permitted a crematorium in an existing building on-site. The applicant's request is to decommission the existing crematorium and construct a new, smaller facility nearby on-site that will better serve the Funeral Home's current needs. Johnson Funeral Home is located at 31440 Constitution Highway and referenced as Tax Map No. 22-19. The parcel is 56.08 acres, zoned Agricultural (A) and approximately 3/4 mile west of the intersection of Hwy. 20 and Route 611 (Zoar Rd.); and

WHEREAS, the Orange County Board of Supervisors approved Special Use Permit #88-5 to allow Johnson Funeral Home "to install a cremation retort in an existing building on the property" on April 12, 1988, pursuant to [then] article 2-03-25 of the Zoning Ordinance; and

WHEREAS, a funeral home and/or crematorium are not permitted uses in the Agricultural (A) zoning district of the current Zoning Ordinance and are, therefore, a legal nonconforming use; and

WHEREAS, Section 70-244(b) of the Orange County Zoning Ordinance permits changes to a nonconforming use provided that the "...use shall not be changed to a more intensive nonconforming use, or a use that is farther from conforming with the requirements of the chapter."; and

WHEREAS, the Department of Planning and Zoning recommended approval of the Special Use Permit request subject to certain conditions; and

WHEREAS, the Planning Commission advertised and held a public hearing on the request on April 11, 2013; and

WHEREAS, the Planning Commission reviewed the request and has determined that the request is consistent with the Agriculture land use designation in the Comprehensive Plan, and, as such, recommended approval of the Special Use Permit request to the Board of Supervisors; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 13-01 for Johnson Funeral Home, subject to staff's conditions of approval, as listed below.

SUP 13-01, Ernie Johnson, on behalf of Johnson Funeral Home

Amending the original SUP #88-5 permitting a cremation retort in an existing building on the property

Tax Map No. 22-19

May 28, 2013 As approved by the Board of Supervisors

#### Staff Conditions of Approval

The conditions of this Special Use Permit shall apply to the property identified on County Tax Map 22 as Parcel 19 ("Parcel 22-19"), and compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed development, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the Special Use Permit ("SUP") or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived, or otherwise specified in these conditions.

- 1. <u>Controlling documents</u> Controlling documents shall be these conditions.
- 2. <u>Uses</u> This Special Use Permit is to allow the construction of a new cremation facility on the property, accessory to the property's principal use as a funeral home.
- 3. The existing cremation facility shall be decommissioned and no longer in use prior to issuance of a Certificate of Occupancy for the new facility.
- 4. Upon approval by the Board of Supervisors, a site plan must be submitted to Planning and Zoning Staff for review and approval, prior to the issuance of zoning, E&S, and building permits.
- 5. Compliance with Virginia Department of Environmental Quality regulations in regards to air permits shall be provided to Planning and Zoning Staff prior to issuance of a zoning and E&S permits.
- 6. A minimum of two (2) parking spaces, plus one (1) handicap space, shall be shown on the site plan for the new facility.
- 7. A minimum of seven (7) trees shall be planted in the vicinity of the new facility, in accordance with Virginia Dept. of Forestry Forest Buffer Planting Standards. Such trees shall be native species, at least 1¼" caliper and preferably planted on the down slope leading away from the new facility in order to mitigate increased stormwater runoff.
- 8. Per CSWCD recommendations, diffusers shall be installed on gutter downspouts to minimize the chance of erosion from stormwater flows.

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

## RE: BOARD COMMENT

Supervisor Abbs requested an update on the streamlining of the processes for the Planning and Zoning Department at an upcoming Board meeting, as well as an update on the status of the trails project. She also discussed a change in the process for conservation easements, suggesting that the Planning and Zoning Director be able to make a determination on such requests.

By consensus, the Board agreed to change the process by which requests for Conservation Easements are reviewed, authorizing requests to be channeled through the Planning and Zoning Department and having the Planning and Zoning Director make the Comprehensive Plan designation determination on each request.

Chairman Goodwin requested that the June 11, 2013, agenda be published to reflect a Recess at 6:00 p.m. rather than 6:30 p.m. so that he could attend the James Lawson Kemper event on behalf of the Board of Supervisors and still be able to return before the scheduled Public Hearing at 7:30 p.m. The Board was agreeable to that change.

# RE: <u>ACTION ITEMS</u>

# RE: REZ 11-01: APPLICATION FOR REZONING BY SIGNATURE SERIES DEVELOPMENT

**LLC** 

This item was struck from the agenda.

#### RE: CONSERVATION EASEMENT REQUESTS

Gregg Zody, Planning and Zoning Director, presented a summary of the conservation easement requests to the Board, including the location, tax map number, zoning, and acreage of each request.

Mr. Frame moved, seconded by Mr. White and carried, to determine that placement of the conservation easements on the properties described below are consistent with the County's Comprehensive Plan:

- 1. John Sheldon Clark: Tax Map No. 17-14, 17-16E and 17-16H, 130 acres
- 2. Enchanted Castle (Fort Germanna): Tax Map Nos. 4 (1) 47 and 4 (1) 48, 66 +/- acres

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

# RE: CONSERVATION EASEMENT REQUEST - KAI DOZIER AND JAN SPIERS: TAX MAP NO. 54-12, 54-12A, 54-13, 54-15, 54-16, 54-17, 54-27, 54-28, 54-29, 54-30, 54-31, 54-33, 54-35, AND 54-37

This item was struck from the agenda.

# RE: DELTA AIRPORT CONSULTANTS AMENDMENT 6, 7, AND 8

Kurt Hildebrand, Public Works Director, explained that the Land and Easement Acquisition - Phase II project was begun in 2010 and included the acquisition of avigation easements on eleven (11) properties and fee simple acquisition of two (2) properties. Mr. Hildebrand noted that to-date, avigation easements had been secured on eight (8) properties and one (1) fee simple acquisition had been made. He further noted that of the remaining targeted acquisitions, one (1) had been deferred until a later phase and three (3) were now being acquired through condemnation.

Mr. Hildebrand stated that as the County moved forward with the condemnation cases, there were services that may be required from Delta Airport Consultants and their subconsultants. He provided Delta's proposed Amendments #6, 7 and 8 to the Board and explained

that these amendments had been reviewed by staff, the FAA, and DOAV and had been found to be reasonable. He further noted that these amendments were set up as "not to exceed" and the services would be provided and invoiced only if needed.

Mr. Hildebrand stated that it was important to note there was not currently a grant in place to reimburse the costs of these amendments or the costs of acquisitions once the condemnations were settled as had been the case with the previous acquisitions. He further stated that the same scenario existed for these amendments and acquisitions and the FAA had indicated that if one case settled, the County could pursue a grant for that particular property. Mr. Hildebrand concluded by stating that if all the cases settled at about the same time, then one grant would cover them all.

Mr. White moved, seconded by Mr. Frame and carried, to authorize the County Administrator to execute Delta Airport Consultant's Amendments # 6, 7 and 8, for professional services related to pending condemnation proceedings for three separate properties near the Airport, with the understanding that these services will be provided and invoiced only as needed.

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

# RE: PARKS AND RECREATION YARD SALE FOR SURPLUS SOCCER APPAREL

Tim Moubray, Parks and Recreation Director, stated that during a recent cleaning of a storage building, Parks and Recreation found numerous boxes of random soccer jerseys, shorts, and socks from years past. He explained that there were not enough remaining matching uniforms to fully equip any teams and that the sizes, styles, and colors varied. Mr. Moubray also noted that Parks and Recreation also no longer ran youth soccer leagues.

Mr. Moubray explained that Parks and Recreation was seeking the authority to conduct a "yard sale" of all remaining soccer apparel on Saturday, June 1, 2013, at Booster Park during the last regular season games of the Spring Soccer Season. He explained that he would like to appropriate the funds to the Orange County Parks and Recreation Foundation to be earmarked for Youth Programs.

Mr. Frame moved, seconded by Mr. White and carried, to allow Parks and Recreation to conduct a "yard sale" of surplus soccer apparel and to have proceeds go to the Orange County Parks and Recreation Foundation to be earmarked for Youth Programs.

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

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

Mrs. Abbs moved and carried, to appoint J. Jason Capelle as the District 1 Representative on the Board of Zoning Appeals, for a five-year term, with said term commencing on July 1, 2013 and expiring on June 30, 2018.

Ayes: Abbs, White, Wilson, Frame. Nays: Goodwin.

#### RE: APPOINTMENT FOR CPMT PARENT REPRESENTATIVE

Mr. White moved, seconded by Mr. Frame and carried, to appoint Nora Coleman as the Parent Representative to the Orange County CPMT for the remainder of 2013.

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

# RE: <u>DISCUSSION ITEMS</u>

There were no Discussion Items to be considered.

## RE: <u>INFORMATION ITEMS</u>

The Board received the following correspondence for its information:

- Treasurer's Report for April
- CSA Monthly Report for April
- Update on Wal-Mart Historical Signage Committee
- Priorities Timelines Update
- Funding for Costs Related to the Joint Retreat between the Board of Supervisors, Economic Development Authority, and Planning Commission
- At-Large Positions on the Rappahannock Emergency Medical Services Council

# RE: <u>COMMITTEE REPORTS</u>

The Board received the following Committee Reports for its information:

April 8, 2013 School Board Minutes

#### RE: CALENDAR

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

# RE: <u>SCHEDULE A JOINT RETREAT BETWEEN THE BOARD OF SUPERVISORS, ECONOMIC DEVELOPMENT AUTHORITY, AND PLANNING COMMISSION</u>

Mr. Frame moved, seconded by Mr. White and carried, to schedule a Joint Retreat between the Board of Supervisors, Economic Development Authority, and Planning Commission on Saturday, July 27, 2013 and Sunday, July 28, 2013, beginning at 8:30 a.m. each day.

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

# RE: SCHEDULE A PUBLIC HEARING FOR SUP 13-02 (AMENDMENT TO SUP 86-6) FOR RANDOLPH RAINES

Mr. Frame moved, seconded by Mr. White and carried, to authorize staff to advertise for and schedule a Public Hearing to receive comments on SUP 13-02 (Amendment to SUP 86-6) for Randolph Raines on Tuesday, June 25, 2013 at 7:30 p.m.

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

#### RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved and carried, to adjourn the meeting at 8:13 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman
Julie G. Summs, County Administrator