

**BOARD OF SUPERVISORS MINUTES**

**JUNE 11, 2013**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 11, 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 Alyson A. Simpson, Chief Deputy Clerk.

\* Mr. Wilson left the meeting at 6:02 p.m., following the Certification of Closed Meeting.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the agenda as presented. 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: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations as presented:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
June 11, 2013 for FY2013			
Animal Shelter	Emergency Vet	\$ 1,369.00	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 1,369.00</b>	
Office on Youth	After Prom Program	\$ 1,249.40	OOY Fundraising
Office on Youth	Childcare Training	\$ 95.00	CC Training Fees
<b>Subtotal Office on Youth</b>		<b>\$ 1,344.40</b>	

RE: FIRE AND EMS DEPARTMENT EVALUATIONS

This item was struck from the agenda.

RE: E-911 DEPARTMENT EVALUATIONS

This item was struck from the agenda.

RE: RENEWAL OF THE CULPEPER CAREER RESOURCE CENTER LEASE

As detailed in the memorandum provided to the Board by Stephanie Straub, Procurement and Grant Coordinator, the County has partnered with the Culpeper Career Resource Center since 2011 as an "access point" for a satellite office that served as a place where individuals and businesses could obtain access to local employment resources. She noted that the community's response to the partnership had been positive, with over 150 clients per month utilizing the Center's resources, a 30 client per month increase over last year's figures.

Ms. Straub further noted that it was staff's recommendation that the Board of Supervisors renew the Memorandum of Understanding between the Culpeper Workforce Investment Board

and the County for the office space located in the basement of the Belleview building by the Workforce Investment Board Satellite Office.

The Board authorized staff to renew the Memorandum of Understanding between the Culpeper Workforce Investment Board and the County of Orange for the office space located in the basement of the Belleview building currently used as the Workforce Investment Board Satellite Office.

RE: RENEWAL OF JOYCE ENGINEERING CONTRACT

As detailed in the memorandum provided to the Board by Kurt Hildebrand, Public Works Director, in August 2011, Joyce Engineering was awarded a contract for Landfill Environmental Engineering Services. He explained that the initial term of the contract began August 24, 2011, and expired June 30, 2012, and that the contract allowed for four (4) additional one-year renewals and was extended through June 30, 2013. Mr. Hildebrand noted that Joyce Engineering continued to provide excellent service and had provided their proposal for FY14, which would be the second renewal of the 2011 agreement.

Mr. Hildebrand provided the Board with Joyce's proposal for FY14 and noted that services included monitoring for both the newly constructed cell (Permit #566) as well as the soon to be closed landfill (Permit #090). He indicated that the total cost of these services, as proposed, was \$80,000.

Mr. Hildebrand noted that staff had reviewed the contract and recommended approval. He further noted that adequate funds had been budgeted in FY14 to cover these costs and explained that these services were currently funded through line items 513-042400-3183, 3185, 3186, and 3187, but he would be working with the Finance Department to develop additional line items so that costs for Permit #566 and Permit #090 could be divided and tracked separately.

The Board authorized the County Administrator to execute an addendum to the contract with Joyce Engineering for Landfill Environmental Engineering Services. The contract addendum will have a term of July 1, 2013, through June 30, 2014, with a Not-To-Exceed contract amount of \$80,000. The cost of this contract has been budgeted and will be funded from line items 513-042400-3183, 3185, 3186, and 3187.

RE: MINUTES

The Board approved the following minutes:

- May 28, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award for June 2013 to Larry Clement, IT Manager.

RE: SERVICE AWARDS

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

- Brad Taylor 10 years Firefighter/Medic Captain

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

- Brad Melson                      5 years                      OCSO Deputy
- Teresa Carroll                    25 years                    Clerk of Circuit Court

RE: LIFE SAVING AWARDS

Julie Summs, County Administrator, presented a Life Saving Award to Deputy Garcia Madison and Deputy Christopher Williams.

RE: BUSINESS SPOTLIGHT

Ms. Faye Gish, Owner of Faye's Office Supply, appeared before the Board to spotlight her business. She discussed her office supply business, as well as her business-to-business call center and warehouses. Ms. Gish explained the many areas of products she sold, her ability to price match, and that she offered next day delivery services. In conclusion, Ms. Gish stated that Faye's Office Supply would be celebrating their 20 Year Anniversary next year.

The Board thanked Ms. Gish for her presentation.

RE: PRESENTATION OF OUTSTANDING EMS AGENCY AWARD

Mr. Kevin Dillard, President of Rappahannock EMS Council, appeared before the Board to present the Outstanding EMS Agency Award to John Harkness, Fire and EMS Chief, on behalf of the Orange County Department of Fire and EMS. Assistant Chiefs and Captains were also present to receive the award on behalf of the Department.

RE: PUBLIC COMMENT

At 4:18 p.m., Chairman Goodwin opened the floor for public comment.

The following individuals spoke:

- Walt Deering, 1524 Morris Pond Drive, Locust Grove, Virginia 22508
- Bob Jones, 1396 Riverview Drive, Locust Grove, Virginia 22508
- Marguerite Jones, 1396 Riverview Drive, Locust Grove, Virginia 22508
- Stephanie Williams, 1168 Sedgwick Drive, Locust Grove, Virginia 22508

There being no further speakers, public comment was closed at 4:28 p.m.

RE: BOARD COMMENT

Chairman Goodwin extended his thanks to G. W. Gray, Building Official, for his assistance with the after-hours tent inspection for the Boys and Girls Club event over the weekend.

RE: ACTION ITEMS

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

Discussion ensued among the Board regarding the amended proffers as presented by the developers, as well as the "big box" ordinance.

Mr. Wilson motioned for approval. Mr. White seconded the motion.

Mr. Frame stated that he did not consider this development "mixed use" nor did he agree that residential development paid for itself. He explained that he had issues with the financial

analysis presented by the developers and that he did not agree with the proffer for the buffer. Mr. Frame indicated that he did not intend to support this rezoning request.

Mrs. Abbs explained that the commercial component of this rezoning was desirable, but the public need did not outweigh the public cost. She said residents would experience not only a monetary cost from this development, but also a quality of life cost. Mrs. Abbs stated that the townhomes would not be "high end," and the development would produce higher tax rates and congestion along Route 3 and she had no intentions of supporting this rezoning request. She indicated that she would be more apt to support this request had it been submitted as commercial development only.

Mr. White explained that he had problems with the County's current Proffer Policy, and that the applicant had followed the process, had received positive recommendations from staff and the Planning Commission, and had conformed their proffers to comments made at the public meetings. He explained that he would not hold the developers to standards that had not yet been established, and he wished the County were further along in Route 3 Corridor Planning.

On the motion of Mr. Wilson, seconded by Mr. White and carried, the following ordinance was adopted as presented:

REZ 11-01: SIGNATURE SERIES DEVELOPMENT, LLC 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)

WHEREAS, Signature Series Development, LLC, Owner, has submitted an application requesting a rezoning of approximately 75.8 acres ("Subject Property") from Agricultural (A) to approximately 47 acres of Multifamily Residential (R-4) and approximately 28 acres of General Commercial (C-2), subject to twelve (12) proffered conditions dated June 6, 2013, and subject to staff's conditions of approval; and

WHEREAS, the Department of Planning and Zoning recommended approval of the rezoning request; and

WHEREAS, the Planning Commission advertised and held a public hearing on the rezoning request on February 21, 2013; and

WHEREAS, the Planning Commission reviewed the rezoning request and determined that the request was consistent with the Comprehensive Plan, and, as such, recommended approval of the rezoning request to the Board of Supervisors; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves REZ 11-01 to rezone approximately 75.8 acres of Tax Map No. 4-3 from Agricultural (A) to approximately 47 acres of Multifamily Residential (R-4) and approximately 28 acres of General Commercial (C-2), subject to twelve (12) proffered conditions dated June 6, 2013, and subject to staff's conditions of approval.<sup>1</sup>

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

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<sup>1</sup> Editor's Note: Action was taken at the June 25, 2013 Board of Supervisors' meeting to correct a clerical error contained in this ordinance.

RE: TRANSFER FROM THE CONTINGENCY FUND FOR E-CIVIS GRANT SOFTWARE

Glenda Bradley, Finance Director, explained that in February 2013, the Procurement and Grant Coordinator began researching qualified grant software systems for use by multiple departments in the County, and after months of research, interviews, demonstrations, and an interactive Q&A with ten (10) County departments, eCivis appeared to be the most powerful and cost-effective tool on the market. Ms. Bradley further explained that eCivis was a web-based online grants management software that provided access to a national database of grants, educational resources, and sample award winning applications.

Ms. Bradley stated that eCivis was a valuable tool for the following reasons:

- It provided access to all federal, state, non-profit, and foundation grants in the Country through the Grant Research module, which allowed staff to search for grants, establish e-mail alert notifications, and compare and contrast funding sources and award eligibilities with ease;
- The KnowledgeBase module provides samples of award winning applications and online courses aimed at increasing award ratios by providing access to a national grant education database; and
- eCivis provides effective communication and efficient time management for staff to work together virtually coordinating, drafting, writing, and submitting applications without spending countless hours searching for funding opportunities.

Ms. Bradley explained that after engaging in multiple rounds of cost saving negotiations, eCivis had provided the County with a quote effective until June 30, 2013, for seven (7) logins with unlimited access to the Grant Research and KnowledgeBase modules for \$7,501/year with a three (3) year contract.

Discussion ensued among the Board regarding: organization or availability/focus of the software; who would have logins for the software; whether or not the Schools could be part of this purchase; whether or not there were other services that could provide grant data; and whether or not logins could be controlled or reassigned as necessary.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve budget amendments for FY13 and FY14 to fund \$7,501 per year from the Contingency Fund for the purchase of eCivis software for grant research and management.

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

RE: SELF-FUNDED INSURANCE OPTIONS FOR MEDICAL COVERAGE

Julie Summs, County Administrator, explained that at the May 28, 2013, Board of Supervisors meeting, David Blanchard, Principal with Digital Benefit Advisors, gave a presentation to the Board regarding the advantages, options, and cost savings associated with moving from full-funded insurance to self-funded insurance. Ms. Summs noted that since that meeting, the School Board had voted to approve moving to self-funded insurance, pending the Board of Supervisors' decision to do the same. She further noted that the Department of Social Services did not have any objection to migrating to self-funded insurance at this time.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize the transition from full-funded insurance to self-funded insurance, with the understanding that the Orange County Public School system and the Department of Social Services were in agreement with the transition.

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

RE: VESTA PALLAS SYSTEM UPGRADE

Julie Summs, County Administrator, explained that over the last year, Verizon, in conjunction with Cassidian and Avaya, announced the end-of-life-cycle for the Vesta Pallas System that the County currently used for 911 phone services. She further explained that the E-911 Center worked diligently to provide and secure grant funding for a long-term solution for the 911 system and began to work and design a platform to ensure that they were ready for Next-Generational 911 calls (NG-911).

Ms. Summs noted that in the fall of 2012, the E-911 Center applied for grant funding in the amount of \$131,000 to upgrade the current Vesta Pallas 911 system and that the quote was initially provided in good faith as no pricing had been released on the new systems. She further noted that in December 2012, Cassidian released its new pricing and the County's quote was refreshed, including some changes for more robust equipment and five-year maintenance contracts, increasing the quote price to \$212,983.70.

Ms. Summs stated that based on the new quote, the E-911 Center went back to VITA and requested additional emergency grant funding and was awarded an additional \$19,000 in grant funds, for a total of \$150,000, which was the maximum that could be awarded by VITA to an agency. She further stated that this still left an additional \$62,983.70 requiring funding.

Ms. Summs detailed that it was staff's recommendation to work with Carousel Industries Capital Finance to fund the deficit over the next five (5) years and that the terms of finance would be a down payment of \$150,000, and \$19,229.90 in yearly payments for Years 2 through 5.

Ms. Summs reported that the debt service payments were proposed to be covered by a transfer from E-911 operations, which in previous years were used to cover Verizon maintenance fees, and would now be supplanted by the Cassidian maintenance fees.

The Board asked what the interest rate was for the finance agreement, and Ms. Summs reported that it was 0%.

Mrs. Abbs moved, seconded by Mr. White and carried, to authorize staff to enter into a contract with Carousel Industries Capital Finance to purchase the Vesta Pallas 4.X solution, and to approve a supplemental appropriation in the amount of \$81,983.70 for the project budget to reflect additional grant funds of \$19,000 and financing proceeds of \$62,983.70, with the understanding that the first year's payment will be funded through a budget transfer from E-911 operations to the Debt Service Fund.

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

RE: PUBLIC COMMENT PERIODS FOR ROUTE 3 CORRIDOR INITIATIVE

Julie Summs, County Administrator, explained that a Joint Meeting was held between the Orange County Board of Supervisors, Economic Development Authority, and Planning Commission on May 9, 2013. She further explained that staff met with two members of the Board of Supervisors for a follow-up meeting on May 14, 2013, and part of the follow-up requested was to establish an opportunity for the public to provide comment on the Route 3 Corridor Initiative.

Ms. Summs noted that in response to the desire to provide an opportunity for public comment, staff had proposed establishing three (3) different public comment periods at upcoming Board of Supervisors meetings. She further noted that these public comment periods were proposed to be scheduled after the dinner break on the following dates for the purpose of offering input on the Route 3 Corridor Initiative:

- Tuesday, June 25, 2013;
- Tuesday, August 13, 2013; and

- Tuesday, September 24, 2013.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize staff to schedule an additional Public Comment Period after the dinner break on the above-mentioned dates in order to allow for public input specific to the Route 3 Corridor Initiative.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Pat Laland as the District 3 Representative on the Library Board of Directors, for a four-year term, with said term commencing on July 1, 2013 and expiring on June 30, 2017.

RE: DISCUSSION ITEMS

RE: RE-OPENING OF THE LOCUST GROVE CHILD CARE SITE

Alisha Vines, Office on Youth Director, reported that she often received requests from parents to explore the options for re-establishing a school-age child care program in the eastern end of the County. She explained that flyers were sent out through the schools and parents were asked to respond by May 31<sup>st</sup> if they were in need of services. Ms. Vines further explained that a decent response had been received and she would like to propose an action plan to the Board to verify whether or not the need truly existed.

Ms. Vines noted that there was currently enough interest from the responses to the flyers to justify opening for the summer. She further noted that she would like to have confirmed clients and suggested opening enrollment from June 12 – June 26 to allow parents to register their children for the program. Ms. Vines stated that if enough commitments were received, she would like to open July 1<sup>st</sup>. She explained that the licensing inspector had already stated she would do her best to assist in any way possible. Ms. Vines indicated that during the enrollment period, time would be used to prepare for opening, such as obtaining the necessary licensure from the Department of Social Services and beginning the interview process for staffing the new location.

Ms. Vines explained that she felt there were enough commitments to sustain a new program for the summer, but she must make it clear to parents that the summer would be a trial basis and there must be enough commitments for the school year in order to remain open before and after-school. She indicated that the proposed hours of operation for the new site would be 6:30 a.m. to 6:30 p.m., which was in line with the opening times of the Gordon Barbour site, but allowed an extra 30 minutes per day for parents to pick-up their children. Ms. Vines further indicated that the current fee schedule would be used, which would keep site prices consistent.

Discussion ensued among the Board regarding: the number of commitments for the summer; the amount of interest in the program for the upcoming school year; the timeline for opening the site for the summer; the location and supplies for the new site; site licensure; the current waiting list; and the staff needed to make the site work. The Board asked Ms. Vines to look into extending hours of operation to 6:30 p.m. for all sites.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize the Office on Youth staff to further explore the need for child care in the eastern end of the County by opening enrollment and giving families the opportunity to justify the need of a new child care site.

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

RE: AMENDMENT TO THE PAYROLL PROCESSING SCHEDULE

Glenda Bradley, Finance Director, explained that a new payroll and human resources package was included as part of the County's Munis software upgrade. She stated that this program would provide many improvements to human resources management and position control, which was largely done at the current time manually using Microsoft Excel. Ms. Bradley further stated that the County's current payroll process had evolved over time, partly in response to the needs of individual departments, such as Fire and EMS and the Sheriff's Office, resulting in a system with overlapping pay periods, various combinations of types of pay, and manual and retroactive accounting for leave. She noted that this combination created inherent confusion for the employees and an unnecessarily complex accounting trail.

Ms. Bradley asked the Board to consider standardizing pay periods across departments with a two-week processing window, which would enable the automated tracking, calculation, and payment of all pay types (regular, overtime, leave time, and part-time) for each period. She explained that from a management perspective, this offered many advantages and resulted in a more efficient, effective, timely, and transparent payroll process. Ms. Bradley detailed goals and actions that would be necessary to implement the change.

Ms. Bradley explained that in order to accomplish these goals and create the processing window, the impact to the County would be an accrual of approximately \$245,286 at June 30, 2014. She noted that the recording of this liability would not impact annual cash flow, but would require a budget amendment for FY14. She concluded by summarizing that the implementation of the new software offered management and the Board a unique opportunity to thoughtfully consider and organize the payroll process by applying a comprehensive approach across departments and by improving process efficiencies for years to come.

Discussion ensued among the Board regarding: how the 28 day cycles would be lined up; management of overtime for employees on 28 day cycles; the FLSA module offered in the new financial software; the fact that the accrual cost would only be a one-time implementation cost; ways to mitigate issues with employees; employee notification of the change; and whether or not this change would impact the Schools.

Mr. Frame moved, seconded by Mr. White and carried, to approve the amendment to the County's payroll processing schedule in order to standardize pay periods across departments with a two-week processing window, offering the following advantages and results:

- Establishment of a defined pay period for all employees;
- Elimination of fluctuating hours for base pay during pay periods (depending on the days in a month) and establishment of hourly rates for all non-exempt personnel, rather than combining 1/12<sup>th</sup> annual pay with other amounts (overtime) based on hourly rates;
- Alignment of all pay periods to increments of 7 days, thereby allowing automated calculation of FLSA required overtime for law enforcement and Fire and EMS staff who work on a 28 day cycle; and
- Elimination of the need for most retroactive pay/leave adjustments.

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

RE: URANIUM MINING RESOLUTION

Supervisor Abbs indicated that a resolution had been provided to the Board regarding uranium mining for their consideration for adoption. Mrs. Abbs requested that the Board adopt the resolution at this time.

Discussion ensued among the Board regarding: revisions to the resolution; distribution of the resolution; and timing for adoption of the resolution.

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

CONTINUED SUPPORT OF MORATORIUM ON URANIUM MINING

WHEREAS, in the early 1980's, the Orange County Board of Supervisors recognized the threat to the County water supply and its agriculture products from the possible mining of uranium; and

WHEREAS, in 1982, the General Assembly passed a moratorium on the mining and milling of uranium in the Commonwealth until the industry proved that it could perform such activities safely; and

WHEREAS, a recent National Academy of Science report raises many questions as to the health, safety, and welfare of these mining activities impacting citizens of Virginia given our climate issues; and

WHEREAS, the Virginia climate remains one of more rainfall than evaporation rate, which causes tailings ponds to overflow as well as leach into the water table; and

WHEREAS, research shows that tailings pond liners can last between 100 and 200 years, but tailings are reported to remain radioactive for well over 100,000 years; and

WHEREAS, such mining activities can seriously damage the rural character of Orange County by both contamination of its soil and water supplies and by creating a blight on the landscape; and

WHEREAS, escrow funds set aside for decommissioning, damage repair from devastating environmental impacts, and perpetual care have been chronically inadequate, leaving taxpayers to bear the costs of stabilizing radioactive sites; and

WHEREAS, during the summer of 2012, the Virginia Department of Health heard 80% to 90% negative testimony in their series of four public forums on the subject of uranium mining; and

WHEREAS, local government bodies in many jurisdictions, home to more than 2.75 million Virginians, have passed resolutions in support of Virginia's moratorium on uranium mining, joined by many Statewide organizations; and

WHEREAS, allowing the mining and milling of uranium in Virginia would place severe health and environmental risks on citizens for the gain of a single industry;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors strongly supports the continued moratorium on the mining and milling of uranium in Virginia until the industry can demonstrate with very high confidence that uranium mining and milling can be done without threatening our water supply, agricultural products, and our rural character, and without posing serious threats to the health, safety, and welfare of our citizens.

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

RE: POTENTIAL DOG PARK AT BOOSTER PARK / AIRPORT

Tim Moubray, Parks and Recreation Director, explained that over the last year, Parks and Recreation had been contacted many times by residents about their desire for dog parks in the County. He indicated that the obvious obstacles to this were location and funds, but the Orange County Parks and Recreation Foundation had agreed to be the fundraising agent for this mission, and the Animal Shelter had agreed to help as well.

Mr. Moubray stated that staff would like permission to research a specific location and direct the efforts there. He explained that the proposed location was a strip of land owned by the County, between Booster Park and the Airport, in an area between the road and the Airport fence. Mr. Moubray reported that Public Works Director, Kurt Hildebrand, had confirmed that it

would not be a hindrance to the Airport nor require FAA approval, and this location would turn an area that currently had to be maintained into a very usable area for many residents and visitors.

Discussion ensued among the Board regarding: pros of this project for the Airport, the Department of Public Works, and Booster Park; the fact that no County funds would have to be used for the construction of the Dog Park; ownership of the land and Dog Park; guidelines and designs to follow for the Park; oversight, management, and liability for the Dog Park; and that the Parks and Recreation Foundation would serve as the fundraising agent for the project.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize Parks and Recreation staff to conduct further research on the potential project for a future dog park at the proposed Booster Park / Airport location.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Update on Processes
- VDOT Monthly Report for June
- Update on County 101 DVD

RE: COMMITTEE REPORTS

There were no Committee Reports provided at this meeting.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR REZ 13-01 (SJS LIMITED COMPANY AND D&W INVESTMENTS, LLC C/O KENNETH DOTSON)

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing to receive comments on REZ 13-01 (SJS Limited Company and D&W Investments, LLC c/o Kenneth Dotson) on Tuesday, August 13, 2013 at 7:30 p.m.

RE: SCHEDULE A PUBLIC HEARING ON AMENDMENTS TO SECTION 58-53 OF THE ORANGE COUNTY CODE OF ORDINANCES REGARDING PENALTY FOR NONPAYMENT OF TAXES

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing to receive comments on amendments to Section 58-53 of the Orange County Code of Ordinances regarding penalty for nonpayment of taxes on Tuesday, July 9, 2013 at 7:30 p.m.

RE: SCHEDULE A PRESENTATION FOR HOMEOWNERS ASSOCIATIONS ON ROUTE 3 CORRIDOR PLANNING

By consensus, the Board scheduled a community meeting for Homeowners Association Boards of Directors on the Route 3 Strategic Visioning Initiative on Thursday, June 27, 2013 at 5:00 p.m. at the Lake of the Woods Clubhouse.

RE: SCHEDULE A PRESENTATION FOR LOCAL BUSINESSES ON ROUTE 3 CORRIDOR PLANNING

By consensus, the Board scheduled a community meeting for local businesses on the Route 3 Strategic Visioning Initiative on Thursday, June 27, 2013 at 7:00 p.m. at the Lake of the Woods Clubhouse.

RE: CLOSED MEETING

At 5:54 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 6:00 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: ACTION ITEMS (CONTINUED)

RE: AMEND CONTRACT FOR COUNTY ATTORNEY

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

AMEND CONTRACT WITH COUNTY ATTORNEY

WHEREAS, Thomas E. Lacheney is currently serving as the County Attorney for Orange County; and

WHEREAS, on June 20, 2012, the County executed an agreement with Thomas E. Lacheney to serve as the Orange County Attorney; and

WHEREAS, the County and Thomas E. Lacheney desire to cancel said contract effective May 31, 2013, and enter into a new agreement effective June 1, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby enter into a new agreement with Thomas E. Lacheney, effective June 1, 2013.

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

RE: RECESS

The Board recessed their meeting at 6:02 p.m.

\* Mr. Wilson left the meeting at 6:02 p.m., following the Certification of Closed Meeting.

RE: RECONVENE

The Board reconvened their meeting at 7:32 p.m.

RE: PUBLIC HEARING #1

Gregg Zody, Planning and Zoning Director, provided the staff report for the proposed amendment to County Code Section 26-34 regarding the erosion and sediment control program.

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

**Proposed amendment to County Code - Section 26-34:** Application.

- (d) In accordance with § 10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this ordinance. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site, assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this ordinance. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 10.1-603.2 et seq. of the Code of Virginia) and attendant

regulations, unless such land-disturbing activities are in accordance with 4 VAC 50-60-48 of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

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

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

AMENDMENTS TO §26-34 OF THE ORANGE COUNTY CODE OF ORDINANCES REGARDING  
EROSION AND SEDIMENT CONTROL, TO INCORPORATE LANGUAGE TO SAID SECTION FROM  
§10.1-560 OF THE CODE OF VIRGINIA

WHEREAS, Chapter 26 (Erosion and Sediment Control), Section 34, is in need of revision in order to incorporate language from §10.1-560 of the Code of Virginia, a requirement resulting from a review of the County's erosion and sediment control program by the Department of Conservation and Recreation; and

WHEREAS, staff has drafted and recommended language for the necessary revision, as set forth within the document and incorporated by reference; and

WHEREAS, this Board has conducted a duly advertised public hearing on June 11, 2013, concerning the proposed revision, and hereby finds and determines that the proposed revision is necessary and is consistent with the requirements of state enabling legislation;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby amends §26-34 of the Orange County Code of Ordinances, as set forth within the document and incorporated herein by reference.

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

RE: PUBLIC HEARING #2

Gregg Zody, Planning and Zoning Director, provided the staff report for the proposed amendment to County Code Section 26-42 regarding the erosion and sediment control program.

At 7:38 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

**Proposed amendment to County Code - Section 26-42:** Amendments to plan.

~~An approved erosion and sediment control plan may be amended by the administrator if on-site inspection indicates the approved control measures are not effective in controlling erosion and sedimentation or because of changed circumstances the approved plan cannot be carried out; provided such amendments are agreed to by persons responsible for carrying out the plan. During construction, the person responsible for implementing the approved plan may request a variance in writing from the administrator.~~

The County may require changes to an approved plan in the following cases:

- (a) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
- (b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the County and the person responsible for carrying out the plan.

There being no speakers, Chairman Goodwin closed the Public Hearing at 7:38 p.m.

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

AMENDMENTS TO §26-42 OF THE ORANGE COUNTY CODE OF ORDINANCES REGARDING  
EROSION AND SEDIMENT CONTROL, TO INCORPORATE LANGUAGE TO SAID SECTION FROM  
§10.1-560 OF THE CODE OF VIRGINIA

WHEREAS, Chapter 26 (Erosion and Sediment Control), Section 42, is in need of revision in order to incorporate language from §10.1-560 of the Code of Virginia, a requirement resulting from a review of the County's erosion and sediment control program by the Department of Conservation and Recreation; and

WHEREAS, staff has drafted and recommended language for the necessary revision, as set forth within the document and incorporated by reference; and

WHEREAS, this Board has conducted a duly advertised public hearing on June 11, 2013, concerning the proposed revision, and hereby finds and determines that the proposed revision is necessary and is consistent with the requirements of state enabling legislation;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby amends §26-42 of the Orange County Code of Ordinances, as set forth within the document and incorporated herein by reference.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mr. White and carried, to adjourn the meeting at 7:39 p.m. Ayes: Abbs, White, Goodwin, Frame. Nays: None. Absent: Wilson.

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S. Teel Goodwin, Chairman

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Julie G. Summs, County Administrator