

BOARD OF SUPERVISORS MINUTES

JUNE 12, 2012

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 12, 2012, 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. Absent: None. Also present: Julie G. Summs, County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

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: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

COUNTY OF ORANGE, VIRGINIA				
FY11-12 SUPPLEMENTAL APPROPRIATIONS				
MONTH	DEPT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
June 12,2012				
	Animal Shelter	Emergency Vet	\$ 865.00	Donations
	Subtotal Animal Shelter		\$ 865.00	
	Animal Shelter	Vaccinations	\$ 1,510.00	Donations
	Subtotal Animal Shelter		\$ 1,510.00	
	Sheriff	CPA Program	\$ 3,777.00	Donations
	Subtotal Sheriff		\$ 3,777.00	
		Total this meeting	\$ 6,152.00	

RE: MINUTES

The Board approved the following minutes:

- May 22, 2012 Regular Meeting

RE: RESOLUTION OF RECOGNITION OF OFFICIAL NAME CHANGE OF JULIE G. JORDAN, COUNTY ADMINISTRATOR

OFFICIAL NAME CHANGE OF JULIE G. JORDAN, COUNTY ADMINISTRATOR

WHEREAS, the Orange County Board of Supervisors recognizes the name change of County Administrator Julie G. Jordan, to Julie G. Summs; and

WHEREAS, the Board acknowledges the need for official documentation to reflect the name change of County Administrator Julie G. Jordan as Julie G. Summs;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors hereby accepts the official name change of Julie G. Jordan as Julie G. Summs and authorizes the execution of documents and County correspondence under her new name.

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

E.M. "Buzz" Jarrell was recognized as the May, 2012, Employee of the Month.

RE: SERVICE AWARDS

Julie Summs, County Administrator, and Chairman Goodwin presented the following Service Awards:

- Amy French 5 years E911 Communications Officer

The following employees were not in attendance but were recognized for their service:

- Christina Gibson 5 years OOH Gordon Barbour Child Care Aide
- Bart Sigler 5 years Sheriff's Office Deputy

RE: PRESENTATION OF RESOLUTION OF RECOGNITION FOR SALEM UNITED METHODIST CHURCH

Chairman Goodwin presented the Resolution of Recognition to Salem United Methodist Church.

RE: ANIMAL SHELTER VOLUNTEER AWARDS/RECOGNITION

On behalf of the Board, Chairman Goodwin and Beth Hamilton, Animal Shelter Director, recognized Animal Shelter Volunteers with significant volunteer hours in 2011.

The following volunteers were recognized as bronze award recipients, for volunteering 100-249 hours in 2011:

- Heather Isaak
- James Tredway
- Kay Lawman
- Linda Sutphin
- Dianne Bulow (*not present*)
- Susan Noon (*not present*)
- Helen Dwyer (*not present*)
- Kathy George (*not present*)

The following volunteers were recognized as silver award recipients, for volunteering 250-499 hours in 2011:

- Anne Thaxter
- Helga Birdsong
- James Golas
- Jane Whitmore

- Pamela Golas
- Raymond Albertella
- Sandy Kenyon
- Virginia Broadbeck
- David Taylor (*not present*)
- Helene Taylor (*not present*)

RE: BUSINESS SPOTLIGHT

Craig Jacobs, Owner of Salvage Wrights, appeared before the Board to spotlight his business. He stated that he specializes in Architectural Salvage/Antiques and salvages old buildings piece-by-piece and often reassembles the buildings in alternate locations. Mr. Jacobs also detailed his storefront business and the online component of his activities. He stated that he has three full-time employees and one part-time employee and that often he and his employees conduct business across several states. Mr. Jacobs distributed a brochure to the Board explaining his business activities and storefront hours. The Board thanked Mr. Jacobs for his presentation on Salvage Wrights.

RE: PUBLIC COMMENT

At 4:19 p.m. Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor Frame stated a resident questioned him regarding a Virginia State Law in which a deferral on tax amounts owed is granted in exchange for a lien on the subject property when a significant increase was levied. Discussion ensued amongst the Board regarding this law and the limitations that are set by the law. The Board of Supervisors concurred that there was no interest at this time to consider adoption of such law for enactment in Orange County.

RE: ACTION ITEMS

RE: DIGITAL BENEFIT ADVISORS PROPOSAL

Julie Summs, County Administrator, explained that the County, Orange County Public Schools, and the Department of Social Services, have been working with Digital Benefit Advisors to renew the health, dental, and vision insurance rates.

David Blanchard, with Digital Benefit Advisors, gave a presentation to the Board regarding the renewal process to date. He noted that five bids were received from health insurance providers: Anthem (our current provider); Southern Health; United; Optima; and The Local Choice. He further noted that staff reviewed the proposals and does not recommend making a change at this time. Mr. Blanchard stated that with the acceptance of Anthem for health insurance renewal, it is also recommended that a fourth, High Deductible Health Plan with Health Savings Account be implemented, which he detailed for the Board.

Mr. Blanchard also explained that the County and Department of Social Services' Employer Premium Contributions are increased by 1.3%, while the School's Employer Premium Contribution is increased by 5.8%, resulting in an overall increase of 4.4% for health insurance. He noted that the County and Department of Social Services see a smaller increase in contribution figures due to the implementation of a minimum employee contribution of \$20/month, as approved in the FY13 budget.

Mr. Blanchard stated that Digital Benefit Advisors also performed a competitive evaluation of dental insurance and received bids from four providers: Delta Dental (our current provider); Ameritas; Anthem; and MetLife. He noted that the proposed Delta Dental Contract renewal is a 7.5% increase from the current rates; therefore, it is recommended that a new contract be entered into with Anthem Dental for a 2.14% decrease in dental insurance rates and an overall 1% decrease in health insurance rates; due to the combined nature of the contract(s).

Mr. Blanchard concluded by stating that no change is recommended in the contract with Eye Care of America, which has a rate guarantee and proposes no change to the current rates.

Discussion ensued regarding: the Value Select model patented and used Digital Benefit Advisors to evaluate the value of each plan aside from the cost; the High Deductible Health Plan which requires a contribution by the County; typical enrollment in the High Deductible Health Plan; the Employer Contribution Rates; and the savings to the County based on the negotiated premium rates.

Julie Summs stated that staff concurs with all of Mr. Blanchard's recommendations and that the County has been very fortunate in their interactions with Digital Benefit Advisors. The Board thanked Mr. Blanchard for his thorough presentation.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to extend the Anthem and Eye Care insurance contracts for one (1) year ending September 30, 2013, to add a fourth High Deductible Health Plan with Health Savings Account, and to enter into a new contract with Anthem Dental for one (1) year beginning October 1, 2012, and ending September 30, 2013.

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

RE: RAPPAHANNOCK JUVENILE CENTER FUNDING REQUEST

Glenda Bradley, Finance Director, explained that during the May 22, 2012, Board of Supervisor's meeting Douglas Jones, Superintendent of the Rappahannock Juvenile Center, presented a request to amend the revenue budgeted for FY13 from the approved \$150,053 to \$221,818. During this meeting, Mr. Jones stated that there was an amended request made in January, 2012, to request additional funds based on the actual number of Child Care days, and that the amendment was not received by the Orange County Finance Director due to communication with an inaccurate email address, which prompted his appearance before the Board.

Ms. Bradley stated that the County's Finance Staff has communicated with the staff at the Rappahannock Juvenile Center and determined that in summary, the total number of Child Care days decreased for the Juvenile Center while Orange County's Child Care days increased resulting in a higher percentage of the grand total expense appropriation. Additionally, Ms. Bradley noted that as a result of recent conversations with Rappahannock Juvenile Center, it was determined that there will likely be a substantial true-up for FY12, in addition to the increased funding requested for FY13.

Discussion ensued regarding: the complex estimates provided; the increased volatility of this funding situation; the realization that the slightest change in Orange County's population can cause significant spikes in funding levels; the poor communication between the entities; and the need to receive a quarterly statement of Orange County's population and finance statistics.

Mr. Frame moved, seconded by Mr. Wilson and carried, to appropriate an additional \$71,765, from the FY12 Contingency Fund to the Rappahannock Juvenile Center for Fiscal Year 2013.

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

RE: FORMER SHELTERING ARMS FACILITY – NEXT STEPS

Julie Summs, County Administrator, explained that the County has been looking at options for the use of the building it owns located at 454 North Madison Road, Orange Virginia. Mrs. Summs noted that the facility was formerly occupied by Sheltering Arms, but has now been vacant for several months, and other than periodic mowing, the building receives no maintenance.

Mrs. Summs further explained the Orange County Lion's Club has indicated that they would be interested in using the facility for their activities. She noted that discussions have been ongoing between County Staff and the Lion's Club and that a draft Agreement is before the Board of their consideration.

Discussion ensued regarding appropriate zoning uses for the property as determined by the Town of Orange, and the need for maintenance and upkeep of the entire building, not just portions of the building.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to execute the document titled Agreement for the Appropriation of County Property to a Local Charitable Association as modified. This Agreement, between Orange County and the Orange County Lion's Club will commence on July 1, 2012, and expire on June 30, 2014.

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

RE: RESOLUTION FOR VRS EMPLOYER RETIREMENT CONTRIBUTION RATE ELECTION

Glenda Bradley, Finance Director, explained that the Virginia Retirement System (VRS) is requiring approval of a resolution verifying the Employer Contribution Rate selected by the County and incorporated into the FY13 Budget approval process.

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

RESOLUTION FOR VRS EMPLOYER CONTRIBUTION RATES FOR COUNTIES, CITIES, TOWNS, SCHOOL DIVISIONS AND OTHER POLITICAL SUBDIVISIONS (IN ACCORDANCE WITH THE 2012 APPROPRIATION ACT ITEM 468(H))

BE IT RESOLVED, that the County of Orange 55168 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Orange 55168 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

- The Certified Rate of 12.06% The Alternate Rate of 9.54%; and

BE IT ALSO RESOLVED, that the County of Orange 55168 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of the County of Orange 55168 are hereby authorized and directed in the name of the County of Orange to carry out the provisions of this resolution, and said officers of the County of Orange are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Orange for this purpose.

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

RE: RESOLUTION FOR VRS MEMBER CONTRIBUTION ELECTION

Glenda Bradley, Finance Director, explained that the Virginia Retirement System (VRS) is requiring approval of a resolution verifying the Member Contribution Rate selected by the County and incorporated into the FY13 Budget approval process.

Discussion ensued regarding the definitions of Plan One (1) and Plan Two (2) employees.

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

RESOLUTION FOR VRS MEMBER CONTRIBUTIONS BY SALARY REDUCTION FOR COUNTIES, CITIES, TOWNS, AND OTHER POLITICAL SUBDIVISIONS (IN ACCORDANCE WITH CHAPTER 822 OF THE 2012 ACTS OF ASSEMBLY (SB497)

WHEREAS, the County of Orange 55168 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the County of Orange 55168 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the County of Orange 55168 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by

such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the County of Orange 55168 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	0%	5 %
Plan 2	0%	5 %
FY2013 Employees	0%	5 %

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the County of Orange in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the County of Orange under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the County of Orange directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the County of Orange shall be reduced by the amount of member contributions picked up by the County of Orange on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of the County of Orange 55168 are hereby authorized and directed in the name of the County of Orange to carry out the provisions of this resolution, and said officers of the County of Orange are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Orange for this purpose.

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

RE: RESOLUTION FOR SCHOOL BOARD CONTRIBUTION RATES FOR NON-PROFESSIONAL EMPLOYEES

Glenda Bradley, Finance Director, stated that as detailed in the memorandum provided by Dr. Robert Grimesey, Jr., at the June 5, 2012, School Board Meeting, the Orange County School Board elected to pay an employer contribution rate of 8.14% to the Virginia Retirement System (VRS) for all non-professional employees, effective July 1, 2012. Ms. Bradley noted that the 8.14% rate is the rate certified by the VRS Board of Trustees for the 2012-2014 biennium.

Ms. Bradley further explained that recent legislation has required local school boards to make certain decisions regarding employer contribution rates by July 1, 2012, and that for school boards electing to use the VRS certified rate, the local governing body must pass a resolution concurring with the school board's election.

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

LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE (IN ACCORDANCE WITH THE 2012 APPROPRIATION ACT ITEM 468(H))

BE IT RESOLVED, that the County of Orange 55168 does hereby acknowledge that the Orange County Public Schools 55568 has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145 (I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Orange 55168 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Orange County Public Schools 55568 to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of the County of Orange 55168 are hereby authorized and directed in the name of the County of Orange to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Orange, as appropriate, shall be affixed and attested by the Clerk.

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

RE: LAKE OF THE WOODS RESCUE STATION STAFFING ISSUES

Tom Joyce, Acting Fire and EMS Director, explained that in February, 2012, the Board appropriated \$11,000 (plus \$850 for associated benefits) to the Fire and EMS Department for overtime expenses at the Lake of the Woods Volunteer Rescue Squad. Mr. Joyce noted that this funding covered two additional shifts per week. He stated that the Fire and EMS Department has continued to provide this support beyond the initially estimated date of April, 2012, but continued staffing shortages at the Lake of the Woods Volunteer Rescue Squad necessitate that this staffing continue.

Mr. Joyce further explained that Staff requests an additional appropriation of \$18,512, to cover additional expenses for July, 2012, through November, 2012, and noted that the Board approved additional positions in its 2012 budget; however, the extended period is required in order to provide service between the time these employees are hired and when they have completed their mandatory evaluation process. He further noted that when these new employees are released for duty, Staff proposes a permanent change to the Fire and EMS Department's staffing at the Lake of the Woods Volunteer Rescue Squad, as follows: the Fire and EMS Department will staff an Ambulance from 1800hrs until 0600hrs seven (7) days a week in addition to the present staffing allocation.

Julie Summs, County Administrator, explained that FY12 Contingency Funds could be used for the remainder of FY12 and carried forward for FY13.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to appropriate \$18,512, to the Fire and EMS Department for overtime expenses at the Lake of the Woods Volunteer Rescue Squad, from the FY12 Contingency fund.

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

RE: INITIATE A CHANGE TO ZONING ORDINANCE, ADDING SEC. 70-41 - PAYMENT OF ALL DELINQUENT TAXES AND FEES PRIOR TO FILING APPLICATION

Sharon Pandak, County Attorney, explained that certain changes made to the Code of Virginia by the 2012 General Assembly, provide discretionary authority to amend the Orange County Zoning Ordinance. She further explained that the proposed amendment before the Board would add a new section, Sec. 70-41, to Chapter 70 – Zoning, Article II – Administration of the County Code. Ms. Pandak detailed the language of Sec. 70-41, indicating that this Code Section would require that any applicant for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, provide satisfactory evidence that all delinquent taxes and fees, owed to the County and constituting a lien on the subject property, are fully paid.

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

INITIATE PROPOSED AMENDMENT TO CHAPTER 70 – ZONING, ARTICLE II
ADMINISTRATION OF THE COUNTY CODE

WHEREAS, the General Assembly has enacted certain changes to the Virginia Code which grant authority to enact amendments to the County Code of Ordinances relating to planning and zoning permit application procedures; and

WHEREAS, the Board wishes to consider an amendment to the Zoning Ordinance, pursuant to § 15.2-2286(B) VA Code Ann.;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors hereby initiates a zoning text amendment to Chapter 70 – Zoning, Article II – Administration, by adding Sec. 70-41, as attached, and requests the Planning Commission to hold a public hearing and make a recommendation to the Board on this amendment.

ATTACHMENT

NEW Sec. 70-41. - Payment of all delinquent taxes and fees prior to filing application

Prior to, or in conjunction with, the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the applicant shall be required to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, have been paid, in accordance with §15.2-2286(B) VA Code Ann.

(Ord. of _____)

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

RE: INITIATE A CHANGE TO ZONING ORDINANCE, AMENDING SEC. 70-303 - USES PERMITTED BY SPECIAL USE PERMIT, AND SEC. 70-1 – DEFINITIONS

Sharon Pandak, County Attorney, explained that certain changes made to the Code of Virginia by the 2012 General Assembly, provide discretionary authority to amend the Orange County Zoning Ordinance. She further explained that the proposed amendment before the Board would add the storage of excavation material, waste and debris to the list of uses for agriculturally

zoned land requiring a SUP. Ms. Pandak stated that any such storage under this section must be in compliance with the Virginia Waste Management Act, §§ 10.1-1400 *et seq.* VA Code Ann. and that an additional amendment to Sec. 70-1, Definitions, of the Zoning Ordinance would also be required to add "excavation material, waste and debris" as a defined term.

Discussion ensued regarding: the distinction between agricultural and non-agricultural; the zone of origin of the subject material; waste and debris of non-agricultural origin; landfill debris; "non excavating materials;" metal dump sites; and various examples of similar activities occurring within Orange County.

The initiation of a change to the Zoning Ordinance, amending Section 70-303 - Uses Permitted by Special Use Permit, and Section 70-1 – Definitions, died for lack of a motion.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES
There were no appointments.

RE: DISCUSSION ITEMS

RE: PRINCIPLES OF LAND USE

Supervisor Frame stated that as the Board is aware, there is an upcoming Joint Meeting with the Planning Commission. He stated that another approach to considering land use could be to examine agriculturally zoned areas and evaluate which areas are truly agricultural and which areas more closely reflect characteristics of a village. Mr. Frame stated that distinctly defining these areas based on current land use could assist us in defining which of these areas should permit by-right subdivisions and which areas should not.

An assortment of maps which were used at a worksession of the Planning Commission, were distributed to the Board. Discussion ensued regarding: the County's population; differing land uses; growth areas; public facilities (existing and future); the need to be cognizant of sustainability; the need to focus on existing land uses; and surrounding County populations. Planning Director Gregg Zody agreed to provide information on surrounding County population statistics.

By consensus, the Board agreed that they were open to the concept of treating various areas of the County differently through regulation considering current land uses and authorized the Planning Director to continue his work on this task; however, the Board also agreed that the specifics in this regard needed to be discussed in more detail before any final acceptance could be reached.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Virginia Department of Transportation Monthly Report for June
- Tourism Quarterly Report
- Parks and Recreation Quarterly Report

Supervisor White requested information on the status of the Route 671 (Village Road) Speed Study, since an update on the Study was omitted from the Monthly Report provided by the Virginia Department of Transportation.

RE: DISCUSSION ITEMS (CONTINUED)

RE: RAPIDAN SERVICE AUTHORITY PROPOSED WELL SITE

Kurt Hildebrand, Public Works Director, addressed the Board concerning any potential conflicts with Rapidan Services Authority's (RSA) proposed well site at Booster Park. Mr. Hildebrand stated that there is not a conflict with existing facilities, but that he was not able to comment on conflicts with future facilities.

Discussion ensued regarding: future use of Booster Park; the site selected by RSA based on the highest yield location; Virginia Department of Health requirements regarding ownership of the property; and the upcoming meeting of the Orange Youth Sports Foundation (OYSF).

Chairman Goodwin and Supervisor Frame agreed to update the Board at the next meeting as information regarding this proposed well site becomes available from RSA and OYSF.

RE: CLOSED MEETING

At 5:38 p.m. Ms. Pandak read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- *Barbara Parks, et al. v. Board of Supervisors, et al.*, and other pending litigation related to Village Motor Sports (§2.2-3711.A. 7 VA Code Ann.);
- One matter of legal advice related to the Subdivision Ordinance (§2.2-3711.A. 7 VA Code Ann.);
- One matter of discussion or consideration of the investment of public funds where bargaining is involved, where if made public initially, the financial interest of the governmental unit would be adversely affected, and legal advice related thereto (§2.2-3711.A.6 VA Code Ann.); and
- One personnel matter related to consideration of prospective candidates for employment (§2.2-3711.A.1 VA Code Ann.);

WHEREAS, pursuant to §§2.2-3711.A. 1, 6 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter(s) in Closed Meeting.

Mrs. Abbs made a motion, seconded by Mr. Frame and carried, approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:31 p.m. Ms. Pandak 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 does hereby certify 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 applies, 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.

Mr. Frame made a motion, seconded by Mrs. Abbs and carried, approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: PUBLIC HEARING #1 - CONDEMNATION OF PROPERTY – ROBERTS

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

Consideration of resolution approving the condemnation for public use/operation of Orange County Airport, in order to comply with Federal Aviation Administration and other requirements for the Runway Approach Surface, Glideslope Qualification Surface and related uses, of an aviation easement over a 1.049 acre parcel of property designated as Tax Map 31-41C, and owned by Jenelle Biscoe Roberts, and to certify that the acquisition has been reviewed for purposes of complying with § 1-219.1 VA Code Ann., because agreement could not be reached with the landowner on compensation to be paid or other terms of purchase or settlement.

The following individuals spoke:

- Jenelle Roberts, LTC, USA Ret., 19549 Constitution Highway, Orange, Virginia 22960
- Donna Waugh-Robinson, 17054 Constitution Highway, Orange, Virginia 22960
- James Roberts, 11566 Rapidan Road, Orange, Virginia 22960

There being no further speakers, Chairman Goodwin closed the public hearing at 7:43 p.m.

Sharon Pandak, County Attorney, commented on the process to date including the proposed offers and the associated correspondence.

Adam Switzer, with Delta Airport Consultants, and Kurt Hildebrand, Public Works Director, approached the Board to answer questions pertaining to the Condemnation proceedings. Discussion ensued regarding: topping the existing trees on the property; whether or not the trees needed to be completely replaced or just topped; the acceptable height of the trees (40 feet) and the existing height of the trees; determining whether topping the trees and keeping them pruned or removing and replacing the trees is more cost effective; the debris generated from topping the trees; potential contractors to perform work on the property; the procurement process for the contractor selected to perform the work; and the offer amount paid to the property owner, which is in addition to the funds paid to the contractor to perform necessary work on the property.

Mr. Frame moved, to approve the following resolution as presented:

APPROVE CONDEMNATION FOR OPERATION OF COUNTY AIRPORT OF AN EASEMENT
OVER A PROPERTY OWNED BY JENELLE BISCOE ROBERTS, A 1.049 ACRE PARCEL,
DESIGNATED AS TAX MAP 31-41C

WHEREAS, the Board of Supervisors of Orange County has authorized acquisition of land and easements in order to meet State and Federal Aviation Administration requirements for the Orange County Airport and to ensure proper operation of the Airport, and for which grant funding has been secured; and

WHEREAS, the County's consultant has advised that the County acquire an aviation easement over a property located along the north margin of State Rt. 20 – Constitution Highway, which consists of 1.049 acres and is designated as Tax Map parcel No. 31-41C as shown on the attached plat, and is owned by Jenelle Biscoe Roberts; and

WHEREAS, the County needs to acquire the easement for the proper operation of Orange County Airport, which is owned and operated by the County and is a public facility, and in order to comply with Federal Aviation Administration and other requirements for the Runway Approach Surface, Glideslope Qualification Surface, and related uses of the property; and

WHEREAS, because the land is within the Runway Approach Surface and Glideslope Qualification Surface, the Federal Aviation Administration requires the Airport/County to hold an interest in the land sufficient to ensure that no structure, tree, or other object violates Federal Aviation Administration height restrictions; and

WHEREAS, the County has made an offer of \$34,424.00 to Ms. Roberts to purchase said easement, which offer is based on the full amount of an independent appraisal by Milton-May Appraisal Company of Lynchburg, Virginia, and a review of this appraisal by ERA Hallmark Properties of Lynchburg, Virginia, and copies of these appraisals have been provided to Ms. Roberts; and

WHEREAS, Ms. Roberts, through her counsel, has rejected that offer, and it is apparent that no agreement can be reached with the landowner on compensation to be paid or other terms of purchase or settlement; and

WHEREAS, a public hearing was duly advertised and held;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby approve the initiation of condemnation proceedings in order to acquire, for the aforesaid Airport operations, an aviation easement over the property located along the north margin of State Rt. 20 – Constitution Highway, which consists of 1.049 acres and is designated as Tax Map parcel No. 31-41C, and is owned by Jenelle Biscoe Roberts; and

BE IT FURTHER RESOLVED that the Board certifies that it has reviewed the proposed acquisition of this property for the purposes of complying with § 1-219.1 VA Code Ann., and concluded that it has no reasonable alternative to condemnation.

Motion died for lack of a second.

Discussion ensued regarding contract pricing to perform the necessary tree work on the property and a potential date to revisit consideration of condemnation of property.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to table consideration of the Resolution to Approve Condemnation for Operation of County Airport of an Easement Over a Property Owned by Jenelle Biscoe Roberts, a 1.049 Acre Parcel, Designated as Tax Map 31-41c for one month.

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

RE: PUBLIC HEARING #2 - CONDEMNATION OF PROPERTY – EDWARDS

Sharon Pandak, County Attorney, commented on the process to date including the proposed offers and the associated correspondence. Discussion ensued about the trees located on this property.

At 8:23 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

Consideration of resolution approving the condemnation for public use/operation of Orange County Airport, in order to comply with Federal Aviation Administration and other requirements for the Runway Approach Surface, Glideslope Qualification Surface, Transitional Surface and related uses, of an avigation easement over a 2.406 acre parcel of property designated as Tax Map 31-41H, and owned by Ronnie H. Edwards and Sheila M. Edwards, and to certify that the acquisition has been reviewed for purposes of complying with § 1-219.1 VA Code Ann., because agreement could not be reached with the landowner on compensation to be paid or other terms of purchase or settlement.

There being no speakers, Chairman Goodwin closed the public hearing at 8:23 p.m.

Discussion ensued regarding the property owners' refusal to negotiate and the conversations with the property owners to date.

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

APPROVE CONDEMNATION FOR OPERATION OF COUNTY AIRPORT OF EASEMENT
OVER A PROPERTY OWNED BY RONNIE H. EDWARDS AND SHEILA M. EDWARDS, A 2.406
ACRE PARCEL, DESIGNATED AS TAX MAP 31-41H

WHEREAS, the Board of Supervisors of Orange County has authorized acquisition of land and easements in order to meet State and Federal Aviation Administration requirements for the Orange County Airport and to ensure proper operation of the Airport, and for which grant funding has been secured; and

WHEREAS, the County's consultant has advised that the County acquire an avigation easement over a property located north of State Rt. 20 – Constitution Highway, which consists of 2.406 acres and is designated as Tax Map parcel No. 31-41H as shown on the attached plat, and is owned by Ronnie H. Edwards and Sheila M. Edwards; and

WHEREAS, the County needs to acquire the easement for the proper operation of Orange County Airport, which is owned and operated by the County and is a public facility, and in order to comply with Federal Aviation Administration and other requirements for the Runway Approach Surface, Glideslope Qualification Surface, Transitional Surface, and related uses of the property; and

WHEREAS, because the land is within the Runway Approach Surface, Glideslope Qualification Surface, and Transitional Surface, the Federal Aviation Administration requires the Airport/County to hold an interest in the land sufficient to ensure that no structure, tree, or other object violates Federal Aviation Administration height restrictions; and

WHEREAS, the County has made an offer of \$30,064.00 to Mr. and Mrs. Edwards to purchase said easement, which offer is based on the full amount of an independent appraisal by Milton-May Appraisal Company of Lynchburg, Virginia, and a review of this appraisal by ERA Hallmark Properties of Lynchburg, Virginia, and copies of these appraisals have been provided to Mr. and Mrs. Edwards; and

WHEREAS, Mr. and Mrs. Edwards have rejected that offer, and it is apparent that no agreement can be reached with the landowners on compensation to be paid or other terms of purchase or settlement; and

WHEREAS, a public hearing was duly advertised and held;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby approve the initiation of condemnation proceedings in order to acquire, for the aforesaid Airport operations, an avigation easement over a property located north of State Rt. 20 – Constitution Highway, which consists of 2.406 acres and is designated as Tax Map parcel No. 31-41H, and is owned by Ronnie H. Edwards and Sheila M. Edwards; and

BE IT FURTHER RESOLVED that the Board certifies that it has reviewed the proposed acquisition of this property for the purposes of complying with § 1-219.1 VA Code Ann., and concluded that it has no reasonable alternative to condemnation.

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

Supervisor Abbs commented that she seconded the motion because of the property owners' refusal to negotiate.

RE: PUBLIC HEARING #3 - PLANNING AND ZONING FEE SCHEDULE AMENDMENT(S)

Gregg Zody, Planning Director, stated that as requested by the Board of Supervisors he has reviewed and made suggestions to align the County's Planning and Zoning Fee Schedule with other Counties and with cost estimates of actual staff time for each task.

At 8:30 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

Consideration of adopting a schedule of the following recommended fees, by ordinance, to increase certain application fees, inspection fees, permit fees, plan review fees, fees for copies of publications, and subdivision plat fees, to be effective the new fiscal year, July 1, 2012, pursuant to § 15.2-2241(A)(9), § 15.2-2286(A)(6), § 15.2-2204(B), § 15.2-2311(A), § 2.2-3704(F), § 2.2-3704(G), § 10.1-562(I), and all local implementing ordinances:

Fee Description	Fee
Application Fees	
Rezoning	\$1500 + mailing and advertising fees
Zoning Text Amendment	\$1750 + mailing and advertising fees
Special Exception	\$450 + mailing and advertising fees
Special Use Permit	\$1500 + mailing and advertising fees
Variance	\$450 + mailing and advertising fees
Administrative Variance	\$150 + mailing and advertising fees
Appeal of Zoning Administrator Determinations	\$1000 + mailing and advertising fees
Inspection Fees	
E&S Bond Release Inspection	\$100 Residential
	\$200 Commercial
E&S Re-inspection	\$100 Residential
	\$250 Commercial
Permit Fees	
Sign Permit	\$50 + \$1/s.f.
Sign Inspection	\$25
Land Disturbance Permit	\$250 + \$25/acre
Reissue Land Disturbance Permit	1/2 original amount
Agreement in lieu of E&S plan	\$100
Reissue Agreement in lieu of E&S	\$50

plan	
Zoning Permit	\$25
Plan Review Fees	
Erosion and Sediment Control Plan	
first 2 acres of disturbed area	\$500
each acre over 2	\$100 per acre
Site Plan	
5 acres or less	\$500
each acre over 5	\$500 + \$20/acre
Publications	
Comprehensive Plan	\$30
Subdivision and Zoning Ordinance	\$20
Subdivision Plat Fees	
Major Subdivision Preliminary Plats	\$1,500 + \$50 per lot + mailing and advertising fees
Major and Minor Subdivision Final/Record Plats	
4 lots or less	\$150 + \$25 for each re-review
5 lots or more	\$500 + \$25/lot
Boundary Survey	\$25
Boundary Adjustment	\$50
Resubdivision	
4 lots or less	\$100
5 lots or more	\$100 + \$25 per lot
Family Subdivision	
4 lots or less	\$150 + \$25 for each re-review
5 lots or more	\$500 + \$25 per lot
*Last updated on 6/12/2012	

There being no speakers, Chairman Goodwin closed the public hearing at 8:30 p.m.

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

Discussion ensued regarding: the process used to arrive at the proposed fees; Special Use Permit (SUP) processes and what is required by other entities, such as the Virginia Department of Transportation for SUP's; the significant increase in the fees proposed; and the need to lessen the increase proposed in fees and the possibility of achieving this by simply doubling certain fees rather than approving drastic increases. The Board went fee by fee and proposed lesser increases to be adopted.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to amend the motion, to approve the following ordinance as modified:

**ADOPT FEE SCHEDULE FOR ZONING AND SUBDIVISION FEES
TO BE EFFECTIVE JULY 1, 2012**

WHEREAS, the Board of Supervisors of Orange County desires to adopt the attached fee schedule for fees related to zoning and subdivision applications and related processes, to be effective the new fiscal year, July 1, 2012; and

WHEREAS, the Director of Planning and Zoning has recommended the fees which will cover the administrative expenses of the County in processing the various applications and conducting the various processes; and

WHEREAS, the following fees must be set by ordinance; and

WHEREAS, a public hearing has been duly advertised and held;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Orange County does hereby adopt the following fee schedule, to be effective July 1, 2012, for fees related to zoning and subdivision applications and related processes, as attached.

ATTACHMENT

Fee Description	Fee
Application Fees	
Rezoning	\$500 + \$50 per acre + mailing and advertising fees
Zoning Text Amendment	\$300 + mailing and advertising fees
Special Exception	\$200 + mailing and advertising fees
Special Use Permit	\$400 + mailing and advertising fees
Variance	\$300 + mailing and advertising fees
Administrative Variance	\$100 + mailing and advertising fees
Appeal of Zoning Administrator Determinations	\$200 + mailing and advertising fees
Inspection Fees	
E&S Bond Release Inspection	\$100 Residential
	\$200 Commercial
E&S Re-inspection	\$100 Residential
	\$250 Commercial
Permit Fees	
Sign Permit	\$50 + \$1/s.f.
Sign Inspection	\$25
Land Disturbance Permit	\$250 + \$25/acre
Reissue Land Disturbance Permit	1/2 original amount
Agreement in lieu of E&S plan	\$100
Reissue Agreement in lieu of E&S plan	\$50
Zoning Permit	\$25
Plan Review Fees	
Erosion and Sediment Control Plan	
first 2 acres of disturbed area	\$500
each acre over 2	\$100 per acre
Site Plan	
5 acres or less	\$400
each acre over 5	\$40/acre
Publications	
Comprehensive Plan	\$30
Subdivision and Zoning Ordinance	\$20
Subdivision Plat Fees	
Major Subdivision Preliminary Plats	\$100 per lot + mailing and advertising fees
Major and Minor Subdivision Final/Record Plats	
4 lots or less	\$50+ \$50 for each re-review
5 lots or more	\$50 per lot
Boundary Survey	\$25

Boundary Adjustment	\$50
Resubdivision	
4 lots or less	\$50
5 lots or more	\$50 per lot
Family Subdivision	
4 lots or less	\$50 + \$50 for each re-review
5 lots or more	\$50 per lot
*Last updated on 6/13/2012	

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

RE: COMMITTEE REPORTS
There were no committee reports.

RE: CALENDAR
The Board received copies of its calendar for the months of May, June, and July, 2012.

RE: SCHEDULE WORKSESSION ON TAX POLICIES (PRIORITY ONE)
Discussion ensued regarding when to schedule a worksession to discuss tax policies, what will be analyzed during the potential worksession, and what staff should provide to the Board to facilitate a productive worksession.

By consensus, the Board scheduled a worksession to discuss tax policies on July 24, 2012, from 4:00 p.m. to 5:00 p.m., immediately prior to its regularly scheduled meeting.

RE: DISCUSSION ITEMS (CONTINUED)

RE: JUNE 26, 2012 PUBLIC HEARING ON SUBDIVISION ORDINANCE
Discussion ensued regarding the Planning Commission's recommendation to simultaneously repeal and replace certain language of the Subdivision Ordinance relating to the phased development element of the County's division policy.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to cancel the June 26, 2012, Public Hearing on the proposed Subdivision Ordinance text amendment to repeal Sec. 54-27, the phased development element of the County's division policy by removing the concept of one (1) division every four (4) years, until such time as the Board of Supervisors directs.

Motion died for lack of a vote.

Chairman Goodwin expressed that he is not ready to cancel the public hearing and disagrees with this action. Supervisor White indicated that he would like to seek legal advice from counsel before proceeding with a vote on the matter.

Mr. White moved, seconded by Mr. Goodwin and carried, to table discussion on the cancellation of the June 26, 2012, Public Hearing on the proposed Subdivision Ordinance text amendment.

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

RE: CLOSED MEETING
At 9:03 p.m. the Board re-entered Closed Meeting.

RE: CERTIFICATION OF CLOSED MEETING
At 10:20 p.m. Ms. Pandak read the following resolution re-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 does hereby certify 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 applies, 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.

Mrs. Abbs made a motion, seconded by Mr. Frame and carried, approving the resolution as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: ACTION AFTER CLOSED MEETING
Mrs. Abbs moved, seconded by Mr. Frame and carried, to remove from the table discussion on the cancellation of the June 26, 2012, Public Hearing on the proposed Subdivision Ordinance text amendment.

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

Mr. Frame moved, seconded by Mrs. Abbs and carried, to cancel the June 26, 2012, Public Hearing on the proposed Subdivision Ordinance text amendment to repeal Sec. 54-27, the phased development element of the County's division policy by removing the concept of one (1) division every four (4) years.

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

Mrs. Abbs moved, seconded by Mr. Frame and carried, to schedule a worksession on July 8, 2012, at 8:30 a.m. to be held at the Orange County Airport, located at 11275 Aviation Way, Orange, Virginia 22960, to discuss Land Use distinctions, the County's Zoning Ordinance, and other such topics.

Ayes: Abbs, White, Wilson, Frame, Goodwin. 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 10:22 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator