

BOARD OF SUPERVISORS MINUTES

JULY 9, 2013

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 9, 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; Shannon C. Abbs*; Grover C. Wilson; and James K. White. Absent: Lee H. Frame, Jr., Vice-Chairman. Also present: Julie G. Summs, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

* Mrs. Abbs arrived at 4:07 p.m.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. White moved, seconded by Mr. Wilson 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
Sheriff	Sheriff	\$ 3,231.22	Proceeds from firearms sales
Sheriff	Triad	\$ 500.00	Donations
Sheriff	Triad	\$ 150.00	Donations
Subtotal Sheriff		\$ 3,881.22	
Animal Shelter	Emergency Vet	\$ 2,301.11	Donations
Animal Shelter	Microchip Program	\$ 2,000.00	Donations
Animal Shelter	Emergency Vet	\$ 7,519.90	Donations
Subtotal Animal Shelter		\$ 11,821.01	

RE: FY14 SUPPLEMENTAL APPROPRIATION FOR ORANGE COUNTY PUBLIC SCHOOLS

The Board approved the following supplemental appropriations for Orange County Public Schools as presented:

	BOS Adopted 4/9/2013	SB Amended 5/8/2013	Change	Main Factor in Change
OCPS OPERATING FUND				
Revenues:				
Transfer from General Fund	\$18,952,326	\$18,952,326	\$0	
Commonwealth	\$24,343,538	\$24,510,087	\$166,549	Increase in VPI funding offset Head Start cuts
Federal	\$1,800,089	\$1,862,965	\$62,876	Expected reductions in federal grants lowered

Other	\$227,653	\$235,219	\$7,566	Increase from Commerce Bank AP program
Total Revenues	\$45,323,606	\$45,560,597	\$236,991	
Expenditures:				
School Operating Fund	\$44,862,504	\$45,103,963	\$241,459	VPI, SPED and Title I funding partially restored
Transfers to Other Funds	\$461,102	\$456,634	(\$4,468)	Reduced transfer to Regional Adult Ed. program
Total Expenditures	\$45,323,606	\$45,560,597	\$236,991	
OCPS - OTHER FUNDS				
Revenues:				
Commonwealth	\$105,775	\$105,775	\$0	
Federal	\$2,359,042	\$2,396,450	\$37,408	Revised sequestration figure for Head Start
Other	\$1,037,155	\$1,037,155	\$0	
Transfers from Operating Fund	\$461,102	\$456,634	(\$4,468)	Reduced transfer to Regional Adult Ed. program
Reserves	\$680,554	\$680,554	\$0	
Total Revenues	\$4,643,628	\$4,676,568	\$32,940	
Expenditures:				
Child Care Fund	\$140,630	\$140,630	\$0	
School Cafeteria Fund	\$1,916,757	\$1,916,757	\$0	
School Head Start Fund	\$1,172,013	\$1,209,421	\$37,408	Revised sequestration figure for Head Start
School Adult Education Fund	\$364,228	\$359,760	(\$4,468)	Reduced transfer to Regional Adult Ed. program
School Textbook Fund	\$1,050,000	\$1,050,000	\$0	
Schools Total Revenue	\$4,643,628	\$4,676,568	\$32,940	

RE: FIRE AND EMS DEPARTMENT EVALUATIONS

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, the general evaluations in place through the County's Personnel Policy (Section 2.3) did not adequately address public safety departments and their employees because public safety positions were often evaluated on areas that were not applicable to other employees and were not included in the current evaluations. Ms. Summs noted that staff had worked to revise the evaluations and was seeking Board approval at this time for their use. She further noted that she had met with Chief John Harkness and Assistant Chief Tom Joyce to discuss and review the revised evaluations and agreed with their recommendation to seek Board approval of the use of the revised evaluations. Ms. Summs explained that these revised evaluations were designed to offer a better format for supervisors to evaluate the performance of their employees and provide improved feedback in areas relevant to public safety positions.

The Board approved the revised Fire and EMS Department evaluations and authorized staff to begin using the revised evaluations.

RE: E-911 CENTER EVALUATIONS

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, the general evaluations in place through the County's Personnel Policy (Section 2.3) did not adequately address public safety departments and their employees because public safety positions were often evaluated on areas that were not applicable to other employees and were not included in the current evaluations. Ms. Summs noted that staff had worked to revise the evaluations and was seeking Board approval at this time for their use. She further noted that she had met with Nicola Tidey to discuss and review the revised evaluations and agreed with her recommendation to seek Board approval of the use of the revised evaluations. Ms. Summs explained that these revised evaluations were designed to offer a better format for supervisors to evaluate the performance of their employees and provide improved feedback in areas relevant to public safety positions.

The Board approved the revised E-911 Center evaluations and authorized staff to begin using the revised evaluations.

RE: RESOLUTION TO APPROVE PURCHASE AND AUTHORIZE ACCEPTANCE OF DEEDS FOR LAND AND EASEMENTS FOR THE AIRPORT AIP PROJECT NO. 3-51-0037-11 FOR JENELLE BISCOE ROBERTS

The Board approved the following resolution as presented:

RESOLUTION TO APPROVE PURCHASE AND AUTHORIZE ACCEPTANCE OF DEEDS FOR LAND AND EASEMENTS FOR THE AIRPORT AIP PROJECT NO. 3-51-0037-11 FOR JENELLE BISCOE ROBERTS

WHEREAS, the Board of Supervisors has authorized acquisition of land and easements in order to meet State and Federal Aviation Administration requirements for the Orange County Airport; and

WHEREAS, Jenelle Biscoe Roberts has agreed to sell an aviation easement across her property, known as Tax Map No. 31-41C, consisting of 1.049 acres, to the County of Orange for \$57,500;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby approve the purchase of this easement and authorizes acceptance of the deeds for said easement, and authorizes its Chairman to execute deeds, approved by the County Attorney, on its behalf.

RE: RENEWAL OF ADVANCED NETWORK SYSTEMS CONTRACT

As detailed in the memorandum provided to the Board by Stephanie Straub, Procurement and Grant Coordinator, the County's current wireless maintenance agreement, which covered network infrastructure, with Advanced Network Systems, would expire on August 15, 2013. She explained that after much discussion regarding the size, complexity, interdependency, and interoperability of the unique systems that comprised the County network, staff was recommending the contract be extended for one (1) additional year for the following reasons:

1. The maintenance contract provided a variety of integrated support levels. These levels provided the County a savings of \$7,318.50 over the course of a year and were integrated to maximize response time and minimize downtime of the County's network operations.
2. The implementation of the new VoIP (voice over internet protocol) phone system slated for FY2014 operated over a wireless network. The successful installation of the new phone system was directly linked to the seamless maintenance of the

wireless system and was projected to be fully functional by late autumn / early winter 2013.

3. The transition to a Fiber Internet provider from the existing DS3 connection involved a very complex method of reassigning of the radio components and climbing various towers, which was covered in full under the current maintenance agreement. Additionally, Advanced Network Systems installed the wireless radio system and was not only competent but was also capable of adjusting the system as needed. The fiber transition was projected to occur in FY2014.

The Board authorized the County Administrator to extend the Network Infrastructure Maintenance Agreement with Advanced Network Systems, Inc. for a one-year period from August 15, 2013 to August 14, 2014.

RE: MINUTES

The Board approved the following minutes:

- June 25, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award to Ashley Jacobs, Assistant to the County Administrator, for July 2013.

RE: SERVICE AWARDS

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

- | | | |
|-----------------|----------|------------------------------------|
| - Lewis Davis | 5 years | Custodian |
| - Teresa Frick | 15 years | Orange Librarian |
| - Joyce Cameron | 15 years | Commissioner of the Revenue Deputy |
| - G. W. Gray | 25 years | Building Official |

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

- | | | |
|------------------|----------|-------------------------------------|
| - James Goodall | 20 years | Orange Library Aide |
| - Amy Cryst | 20 years | Wilderness Assistant Branch Manager |
| - Donald Lettner | 15 years | Firefighter Medic |

RE: PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Chairman Goodwin presented the Certificate of Achievement for Excellence in Financial Reporting to Glenda Bradley, Finance Director, and members of the Finance Department staff.

RE: BUSINESS SPOTLIGHT

Ms. Donna Sherwood-Graves, Owner of Colonial Florist, appeared before the Board to spotlight her business. She explained that she was located in the Town of Gordonsville and opened in 1975. Ms. Sherwood-Graves stated that she offered a broad range of services to Orange and surrounding counties, including weddings, wreaths and funeral arrangements, custom design floral arrangements, and also serviced walk-in customers. She has two part-time employees and prides herself on the dependability and customer service dedication to her customers.

The Board thanked Ms. Sherwood-Graves for her presentation.

* Mrs. Abbs arrived at 4:07 p.m.

RE: PUBLIC COMMENT

At 4:11 p.m., Chairman Goodwin opened the floor for public comment.

The following individual spoke:

- Victor King, 15278 Cox Mill Road, Gordonsville, Virginia 22942

There being no further speakers, public comment was closed at 4:18 p.m.

RE: BOARD COMMENT

Supervisor White discussed several complaints he had received from his constituents regarding County ordinances with respect to discharging of firearms in neighborhoods throughout the County. He mentioned that there were many issues associated with this, such as noise and safety, but he wanted to hear from the Sheriff about it as it may be something the Board should discuss for consideration at a later date.

Chairman Goodwin commented on the successfulness of the Playin' in the Park event that took place over the weekend, which was organized in part by staff from Parks and Recreation, Office on Youth, and Tourism. He thanked all of the staff members who contributed toward such a fun event in Orange County.

RE: ACTION ITEMS

RE: REQUEST FOR ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR LEGAL SERVICES

Glenda Bradley, Finance Director, explained that in May, the Board approved a supplemental appropriation for legal services associated with the sale of properties for delinquent property taxes in an amount of \$30,000. She noted that this appropriation was necessary because of a delay in receiving up to \$96,501 in surplus funds from prior sales, which were held by the court. Ms. Bradley further noted that although these funds may eventually be released to the County, it would not be until sometime in FY14 at the earliest.

Ms. Bradley explained that since that time, additional invoices had been received for appraisals, surveys, and other services, which required an additional appropriation of \$6,000. She noted that according to the vendor, additional expenses for FY13 were not expected beyond this amount.

The Board requested an update on the sale of the properties. Mr. Henry Lee Carter said a sale should take place in October and explained that he had spent the last several years cleaning up and was now working on "worthwhile" properties. He further explained that some revenue should become available in FY14, as it must be held by the court for at least two (2) years.

Mr. White moved, seconded by Mrs. Abbs and carried, to approve a budget amendment for FY13, as shown below, in order to fund additional costs for legal services associated with the sale of property for delinquent property taxes:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
Legal Services	Appraisals	\$ 6,000.00	Contingency
Subtotal Legal Services		\$ 6,000.00	

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

RE: AMENDMENT TO PERSONNEL POLICY SECTION 2.3 TO INCORPORATE REVISED PUBLIC SAFETY EVALUATIONS

Julie Summs, County Administrator, noted that since the Board had recently adopted revised public safety evaluations for Fire and EMS, E-911, and the Sheriff's Office, Personnel Policy 2.3 was in need of revision in order to incorporate those revised evaluation forms. She provided the Board a copy of the revised policy.

The Board requested that staff also incorporate changes to the revised policy regarding the appropriation of funds for merit pay, as merit increases were no longer always appropriated as part of the budget process.

Mrs. Abbs moved, seconded by Mr. White and carried, to approve the revisions to Personnel Policy Section 2.3 to incorporate revised public safety evaluations, as modified, to become effective immediately.

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

RE: COST OF LIVING WAGE ADJUSTMENT

Glenda Bradley, Finance Director, explained that during the FY14 budget process, the Board of Supervisors had expressed an interest in considering a cost-of-living (COLA) increase for County and Social Services employees at the end of the FY13 fiscal year. She noted that a recent analysis of the County's General Fund revenues and expenditures indicated that approximately \$478,900 will be available over the 18% fiscal stability reserve. She further noted that this analysis was based on actual revenues and expenditures to-date, and was adjusted by estimates for revenue and expense accruals, carry forward requests, and other items at similar levels to last year.

Ms. Bradley stated that the cost for a 2% wage adjustment for all County and Social Services employees was approximately \$262,032 and could be implemented prior to the July 2013 payroll, if approved by the Board.

Discussion ensued among the Board regarding: a one-time bonus versus the long-term commitment of the raise; the reminder that the original discussion of the raise took place when there was money left in the Contingency Fund; any issues with implementing a one-time bonus; when a more solid estimate of the surplus funds would be available; the difference in cost between a one-time bonus and a raise; and what County employees pay for health insurance.

Mr. Goodwin made a motion to approve a 2% cost-of-living increase for County and Social Services employees, but withdrew his motion and deferred action until after the 7:30 p.m. session.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Thomas Graves as an At-Large Representative on the Health Center Commission, filling the unexpired four-year term of Julia Barnes, with said term commencing immediately and expiring on February 28, 2014.

RE: REQUEST FROM FAUQUIER HOUSING CORPORATION

Julie Summs, County Administrator, reported that a request had been received from the Fauquier Housing Corporation for Orange County to appoint a representative to their newly-forming Board in order to assist in overseeing the administration of the Indoor Plumbing Rehabilitation Program. She noted that she did not have any suggestions at this time, but staff would work on gathering recommendations for appointment.

The Board requested additional information from the Fauquier Housing Corporation regarding the commitment of this appointment, including meeting times, location, frequency, and the role this appointee would serve.

RE: REQUEST FROM FIRE CHIEFS TO APPOINT LIAISONS

Julie Summs, County Administrator, reported that a request had recently been received from the volunteer fire chiefs for a liaison from the Board of Supervisors to be appointed to attend the monthly meetings. She stated that this request was supported by Chief John Harkness.

The Board expressed interest in appointing a liaison to attend the monthly fire and rescue meetings, and asked staff to find out if the date and time of the meetings could be adjusted and if both fire and rescue meetings could be done together before determining who would be appointed as the liaison.

RE: DISCUSSION ITEMS

RE: CAUTION AHEAD SIGN AT FOUR-WAY INTERSECTION OF MARQUIS ROAD AND MONROVIA ROAD

Discussion ensued among the Board regarding the citizen request for caution ahead signs, and whether or not the intersection in question was Monrovia Road and Marquis Road or Lahore Road and Marquis Road.

By consensus, the Board requested that staff confirm the accurate intersection in question and prepare a resolution requesting the installation of "stop sign ahead" signs for the July 23, 2013 agenda.

RE: POTENTIAL INCLUSION OF THE RAPIDAN RIVER IN THE DEPARTMENT OF CONSERVATION AND RECREATION'S VIRGINIA SCENIC RIVERS PROGRAM

Julie Summs, County Administrator, presented a request to the Board from Harold E. Young, Jr., M.D., regarding the Virginia Scenic Rivers Program and the potential inclusion of the Rapidan River in the Program. She noted that a letter from the County requesting review of the Rapidan River for acceptance into the Program was required to begin the process, but would not obligate the County to accept such designation. Ms. Summs further noted that staff was familiar with the Scenic River Program and supported this effort.

Discussion ensued among the Board regarding: concerns expressed by RSA; limitations imposed by inclusion in the Scenic River Program; selecting particular portions of the Rapidan River for inclusion in the Program; and the process of obtaining qualification for the Program.

By consensus, the Board agreed to begin the process for the consideration of inclusion of portions of the Rapidan River in the Department of Conservation and Recreation's Virginia Scenic Rivers Program and requested that staff contact the Program Administrator in order to begin the river review process, with the understanding that the river review process would have to take place in order to determine if portions of the Rapidan River would even qualify for inclusion in the Program.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report for May
- VDOT Monthly Report for July

RE: COMMITTEE REPORTS

The Board received the following Committee Reports for its information:

- April 18, 2013 Rapidan Service Authority Minutes
- June 24, 2013 Orange County Youth Sports Foundation Minutes

RE: CALENDAR

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

RE: RESCHEDULE JOINT MEETING WITH GORDONSVILLE TOWN COUNCIL

By consensus, the Board authorized staff to reschedule the Joint Meeting with the Gordonsville Town Council on Tuesday, July 30, 2013 at 6:30 p.m. in the Gordonsville Town Council Chambers.

RE: CLOSED MEETING

At 5:21 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 aforesated matter in Closed Meeting.

Mr. White moved, seconded by Mrs. Abbs and carried, to approve the resolution authorizing Closed Meeting as presented. Ayes: Abbs, White, Goodwin, Wilson. Nays: None. Absent: Frame.

RE: CERTIFICATION OF CLOSED MEETING

At 7:19 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, White, Goodwin, Wilson. Nays: None. Absent: Frame.

RE: ACTION ITEMS (CONTINUED)

RE: COST OF LIVING WAGE ADJUSTMENT (CONTINUED)

Glenda Bradley, Finance Director, explained to the Board that the cost of a 2% cost-of-living wage adjustment for County and Social Services employees was approximately \$262,000 and the cost of a 2% one-time bonus for County and Social Services employees was approximately \$228,000.

Discussion ensued among the Board regarding: payment of health insurance costs by employees and what it would cost the County to pay the \$20 per month; reserves from the self-funded insurance change over; and building equity among School and County employees.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve a budget amendment for FY14 to fund a 2% cost-of-living wage adjustment (COLA) for all County employees and for the Department of Social Services using funds from the General Fund.

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

RE: PUBLIC HEARING

Thomas Lachenev, County Attorney, reported that this proposed ordinance amendment was regarding the collection of interest on past due taxes, which would begin the day after the due date under the amended ordinance. He noted that the amendment would align the County ordinance with reality and with State Code.

At 7:30 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE ORANGE COUNTY CODE OF ORDINANCES:

Section 58-53 – Penalty for nonpayment of taxes.

- (a) Pursuant to the authority of Code of Virginia, § 58.1-3916, there is imposed a penalty for failure to pay county real estate, tangible personal property, and machinery and tools and merchants' capital taxes when due. Such penalty shall be in the amount of ten percent of the tax past due on such property; the penalty shall in no case exceed the amount of the tax assessable. Such penalty shall be assessed on January 10 after the payment is due and, when so assessed, shall become a part of the tax. Said penalty shall be assessed on the day after the tax, or an installment thereof, is due and when so assessed shall become a part of the tax.

There being no speakers, Chairman Goodwin closed the Public Hearing at 7:30 p.m.

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

AMENDMENT TO §58-53 OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING
PENALTY FOR NONPAYMENT OF TAXES

WHEREAS, Chapter 58 (Taxation), Article II (Administration), is in need of revision in order to be updated; and

WHEREAS, the County Attorney has recommended language for the necessary revision, as set forth within the document attached hereto and incorporated by reference; and

WHEREAS, this Board has conducted a duly advertised public hearing on July 9, 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 Chapter 58, Article II, §58-53 of the Orange County Code of Ordinances is hereby amended as set forth within the document attached and incorporated herein by reference.

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

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. White and carried, to adjourn the meeting at 7:31 p.m. Ayes: Abbs, White, Goodwin, Wilson. Nays: None. Absent: Frame.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator