

## BOARD OF SUPERVISORS MINUTES

JULY 12, 2016

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 12, 2016, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice Chairman; R. Mark Johnson; James K. White, and James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: EMPLOYEE OF THE QUARTER

R. Bryan David, County Administrator, presented the Employee of the Quarter award to Alyson Simpson, Chief Deputy Clerk and Administration Office Manager.

RE: SERVICE AWARDS

This item was struck from the agenda.

RE: BUSINESS SPOTLIGHT

Kathy Overcash, Owner of Art from the Bark, appeared before the Board to spotlight her business. She provided an overview of the services offered, including woodcarving, use of necessary tools, and classes. Ms. Overcash indicated that her goal was to keep the classes and finished products affordable, and she enjoyed creating a gallery with the finished products as well.

The Board thanked Ms. Overcash for her presentation.

RE: OUTSTANDING EMS AGENCY AWARD

John Harkness, Fire and EMS Chief, announced the recent receipt of the Rappahannock EMS Council's Outstanding EMS Agency Award for the Department of Fire and EMS. He provided details regarding the receipt of the award and other localities that were up for consideration. Chief Harkness thanked his staff for their hard work and dedication in making the award a reality.

Collectively, the Board recognized the staff of the Department of Fire and EMS and congratulated the agency on receipt of the prestigious award.

RE: PRESENTATION FROM THE MONTPELIER FOUNDATION

R. Bryan David, County Administrator, reminded the Board of the completed work by Virginia Tech's Office of Economic Development to produce the report titled, "Assessing Opportunities for Agriculture and Agritourism at Montpelier." Since that time, leaders at The Montpelier Foundation had been in contact with County staff on how best to align a zoning classification for Montpelier using the recommendations from the report while still protecting, preserving, and maintaining the unique land use of the Foundation's property.

Dr. Sean O'Brien, Chief Operating Officer for The Montpelier Foundation, reviewed the written request with the Board to consider the special zoning classification.

Discussion ensued among the Board regarding: model examples.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized the County Administrator, the Planning and Zoning Director, the Economic Development Director, and the County Attorney to proceed with preparing and presenting, for review and adoption, a comprehensive zoning classification for Montpelier.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CONSENT AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: ECONOMIC DEVELOPMENT AUTHORITY (EDA) FUNDING AGREEMENT FOR LOHMANN EXPANSION PROJECT

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION OF SUPPORT TO DIRECT A PORTION OF FUTURE REVENUE GENERATED FROM THE LOHMANN EXPANSION PROJECT WITHIN A THREE-YEAR PERIOD TO THE ORANGE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, on May 12, 2016, Lohmann Corporation announced its decision to expand and invest \$6,700,000 in Orange County and create 56 new jobs by 2020; and

WHEREAS, a contractual performance agreement was executed requiring Orange County to provide an \$85,000 grant ("the Grant") over three (3) years based on improvements related to real estate and machinery and tools, beginning at the time when Lohmann Corporation obtains a certificate of occupancy; and

WHEREAS, Orange County's Economic Development Authority ("the EDA") assisted in the expansion of Lohmann Corporation; and

WHEREAS, the EDA desires to maintain capital reserves for future economic development projects; and

WHEREAS, the anticipated Return on Investment (ROI) for the first three (3) years of the project is \$140,881; and

WHEREAS, the Board of Supervisors agrees that the additional revenue generated by the Lohmann expansion, beyond the amount of the Grant, in Years 1 through 3, should be made available to the EDA to be reinvested in projects related to the improvement of Orange County's quality of life and the *Economic Development Strategic Plan*;

NOW, THEREFORE, BE IT RESOLVED, on this 12<sup>th</sup> day of July, 2016, that the Orange County Board of Supervisors hereby agrees that the EDA shall receive the additional revenue generated by the Lohmann expansion for Years 1 through 3 shall be paid to the EDA for use on future economic development projects, where said revenue amounts exceed the value of the Grant.

RE: RESOLUTION OF APPRECIATION FOR ROSE BOWMAN

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

A RESOLUTION OF APPRECIATION FOR  
*Rose Bowman*

WHEREAS, Rose Bowman faithfully served the citizens of Orange County as the District Three Representative on the Social Services Board for eight (8) years, beginning her service in June, 2008; and

WHEREAS, the Orange County Social Services Board was formed for the purpose of overseeing, and later advising, the operations of the Department of Social Services, providing an array of supportive and comprehensive social services programs for the benefit of the citizens of the County; and

WHEREAS, in keeping with the intended purpose, Rose Bowman has made substantial contributions toward her community and to the continued success and operation of the Department of Social Services, giving selflessly of her time and talents; and

WHEREAS, Rose Bowman is known for her faithful attendance at Social Services Board meetings, being familiar with the programs and goals of the Department of Social Services, and maintaining an active awareness of pertinent social services issues on both the state and local levels; and

WHEREAS, Rose Bowman has, at all times, demonstrated a keen interest in the welfare of her community and its citizens, and has left an indelible mark on Orange County through her service and dedication;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2016, that the Orange County Board of Supervisors hereby extends its admiration and appreciation to Rose Bowman for her determination, dedication, and devoted service on the Orange County Social Services Board, and to the well-being of the citizens of Orange County.

RE: RESOLUTION OF APPRECIATION FOR P. NIGEL GOODWIN

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

A RESOLUTION OF APPRECIATION FOR  
*P. Nigel Goodwin*

WHEREAS, P. Nigel Goodwin has passionately and faithfully served on the Planning Commission for the County of Orange, Virginia, for over fifteen (15) years, initially beginning his service in July, 1997, representing the residents of District 5; and

WHEREAS, during his tenure, P. Nigel Goodwin also enthusiastically spent time serving as Chairman of the Planning Commission, and served on the County's Route 3 Land Use Committee in the late 1990s; and

WHEREAS, P. Nigel Goodwin willingly volunteered countless hours over his fifteen (15) years of service, supporting initiatives and practices that encouraged healthy land use throughout the County of Orange, Virginia; and

WHEREAS, P. Nigel Goodwin also served on the Germanna-Wilderness Area Plan Steering Committee since its inaugural meeting on October 24, 2013, where he was a dedicated member and active participant; and

WHEREAS, P. Nigel Goodwin played an integral part of the planning, development, and implementation of the Germanna-Wilderness Area Plan through his thoughts and contributions; and

WHEREAS, P. Nigel Goodwin's expertise, knowledge, and insight have served the Planning Commission and the citizens of Orange County well throughout his many years of service;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2016, that the Orange County Board of Supervisors hereby extends its appreciation, gratitude, and admiration to P. Nigel Goodwin for his commitment and dedication in his roles on the Planning Commission and the Germanna-Wilderness Area Plan Steering Committee for the County of Orange, Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby wish P. Nigel Goodwin continued success, happiness, and good health in the years to come.

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- June 14, 2016 Worksession
- June 14, 2016 Regular Meeting
- June 28, 2016 Worksession
- June 28, 2016 Regular Meeting

RE: NEW BUSINESS

RE: RESOLUTION OF SUPPORT FOR COMPLETION OF INTERSECTION AND SIGNALIZATION IMPROVEMENTS AT ROUTE 3 AND LAKE OF THE WOODS WAY/GOODWIN DRIVE

This item was struck from the agenda.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: ANIMAL SHELTER SEMI-ANNUAL REPORT

Ginny Strong, Animal Shelter Director, presented the Animal Shelter Semi-Annual Report to the Board, which included information on the following topics:

- Activities of the Animal Shelter over the last six (6) months;
- Adoption and intake statistics for the first half of 2016;
- A review of the recent Rabies Clinic;
- Events, new programs, and training opportunities; and
- Donations and volunteer assistance.

The Board thanked Ms. Strong for her presentation.

RE: CYBER SECURITY TRAINING PROGRAM

Larry Clement, Director of Information Technology, presented information to the Board regarding a partnership with the Department of Homeland Security to implement the Stop.Think.Connect. cyber awareness program. He explained that the partnership provided access to Homeland Security resources for employee training and education. The intent was to increase awareness of online safety, by educating both County staff and the community about online dangers such as hacking, viruses, password security, etc.

Mr. Clement added that the program had been used by various government agencies as a training tool because of its simple, actionable advice that everyone could follow to stay safer and more secure online. For use by the County, Mr. Clement indicated that his department looked to fully implement the program by October, 2016, to all departments and network users. Additional

information was anticipated to be provided through the County's website and e-Newsletter by November, 2016.

Discussion ensued among the Board regarding: security of the County's network; awareness of security measures with other agencies; education and partnering efforts; outreach to the student and senior-aged populations; recent scams and hacks; and additional training opportunities.

The Board took the information regarding the cyber awareness program under advisement, and there was no action taken at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: STATION 21 – STORAGE FOR RESERVE MEDIC UNIT AND MEDICAL SUPPLIES

R. Bryan David, County Administrator, explained that the Department of Fire and EMS had used, over the years, a number of volunteer fire department buildings to house a "reserve" medic unit on an "as available" basis. This vehicle was a second-line, back-up unit that was placed in service whenever a first-line unit was out of service for maintenance or repairs, or whenever a critical event occurred that required an additional medic unit. Mr. David noted that it was most appropriate for the reserve unit to be stored indoors and in a climate-controlled space, rather than outdoors or under an open-air cover.

Mr. David indicated that the Department's current reserve unit was stored indoors in an apparatus bay at Barboursville Volunteer Fire Company. Because of the pending acquisition of a new pumper/tanker, Barboursville needs to have use of the space occupied by the reserve medic unit for its new fire apparatus.

Mr. David explained that a suitable space was available for lease adjacent to the space currently leased for Station 21 on Route 20 in Rhoadesville. The available space was sized to accommodate the reserve medic unit, as well as medical supplies, which are currently stored at Orange Volunteer Rescue Squad, which is not an ideal storage location. The Department was in need of a centralized storage space for protective equipment, uniforms, training supplies, and a SCBA maintenance and repair area, in addition to the appropriate storage for said medical supplies.

Mr. David indicated that the current lessor of Rescue Station 21 would make available an additional 1,600 square feet of space at an annual lease rate of \$12.00 per square foot, or \$19,200 per year. If agreeable by the Board, the terms and conditions would be updated with the lessor to include both spaces under a single set of terms and conditions.

Discussion ensued among the Board regarding: whether or not discussions had been held with Lake of the Woods to use additional space; storage needs and concerns; upfitting of the lease space; the possibility to use FY17 cost savings from Fire and EMS to reimburse the Contingency Fund; the need to budget accordingly for the new lease in FY18; provision of a central storage location; and a discussion of negotiating all terms and conditions with the lessor.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to proceed with leasing the additional space adjacent to Station 21, as proposed, to be funded from the FY17 Contingency Fund in the amount of \$19,200, with the understanding that staff would negotiate the appropriate terms and conditions with the lessor.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: BOARD COMMENT

Chairman Frame commented on his recent attendance at the Community Policy Management Team (CPMT) meeting, during which he learned more about the foster care process and special education process, both factors in the increased CSA costs.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- April 25, 2016 Health Center Commission Minutes
- Thank You Letter from the Piedmont Regional Dental Clinic
- VDOT Monthly Report for July
- 2016 Localities "Estimated Ratios"; A-S Medians for Assessment of Public Service Companies

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CLOSED MEETING

At 5:56 p.m., Mr. Lacheny read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matters:

- Discussion, consideration, or interviews of prospective candidates for employment; or assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- 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)(1) and (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 matters in Closed Meeting.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:02 p.m., Ms. Simpson 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: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 7:02 p.m., Chairman Frame opened the floor for public comment.

There being no speakers, public comment was closed at 7:02 p.m.

RE: PUBLIC HEARING #1: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING PYROTECHNICS TESTING / MANUFACTURING

Josh Frederick, Planning and Zoning Director, reviewed the staff report for this Public Hearing with the Board. He explained that the Board had previously initiated Planning Commission action to add *pyrotechnics testing / manufacturing* as a special use in the Agricultural zoning district. Mr. Frederick noted that he and the County Attorney had drafted language for the amendment, which was presented to the Planning Commission for Public Hearing. The Planning Commission recommended approval of the amendments to the Board.

Discussion ensued among the Board regarding: the Planning Commission's vote of approval; property setbacks; and the requirement to adhere to Federal regulations.

At 7:06 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

The Board of Supervisors will consider an amendment to Articles I (In General) and IV (District Regulations) of the Orange County Zoning Ordinance, specifically to Sections 70-1 (Definitions) and 70-303 (Uses Permitted by Special Use Permit). This amendment would add a new definition for "pyrotechnics testing/manufacturing" to Sec. 70-1 and would add "pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size" as a special use in Sec. 70-303.

There being no speakers, Chairman Frame closed the Public Hearing at 7:06 p.m.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

**ORDINANCE APPROVING AMENDMENTS TO ARTICLES I (IN GENERAL) AND IV (DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING PYROTECHNICS TESTING / MANUFACTURING**

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Articles I (In General) and IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning pyrotechnics testing / manufacturing; and

WHEREAS, the Planning and Zoning Director and County Attorney drafted recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on June 2, 2016; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on July 12, 2016, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 12<sup>th</sup> day of July, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Articles I (In General) and IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning pyrotechnics testing/manufacturing, as presented and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

### **Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 160712 – PH1  
by the Orange County Board of Supervisors  
on July 12, 2016**

#### **Chapter 70 - Zoning**

#### **Article I – In General**

#### **Sec. 70-1. - Definitions.**

[...]

*Pyrotechnics testing/manufacturing means the operations of non-profit entity engaged in the production and testing of fireworks, whereby the entity is licensed and regulated pursuant to 18 U.S.C. Chapter 40.*

#### **Article IV – District Regulations**

#### **Sec. 70-303. – Uses permitted by special use permit.**

In the agricultural district the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

[...]

*23) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.*

RE: PUBLIC HEARING #2: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE CONCERNING BONDING FOR TOWER REMOVAL

Josh Frederick, Planning and Zoning Director, reviewed the staff report for this Public Hearing with the Board. He explained that staff had previously initiated Planning Commission action to repeal the telecommunications tower removal bonding requirements set forth in Section 70-937 of the Zoning Ordinance, as Section 70-936 already specified the requirements and procedures. Mr. Frederick noted that

he and the County Attorney drafted the amendment, which was presented to the Planning Commission for Public Hearing. The Planning Commission recommended approval of the amendment to the Board.

Discussion ensued among the Board regarding: abandoned facilities becoming a nuisance; and the removal process.

At 7:08 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

The Board of Supervisors will consider an amendment to Article IX (Telecommunications Towers and Facilities) of the Orange County Zoning Ordinance, specifically to Section 70-937 (Bonding for Tower Removal). This amendment would repeal Sec. 70-937, which currently requires tower removal bonds to be posted for telecommunications towers in the event they are ever abandoned. The repeal of this section removes a redundancy, as Sec. 70-936 already specifies procedures for abandoned tower removal

There being no speakers, Chairman Frame closed the Public Hearing at 7:08 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE IX (TELECOMMUNICATIONS TOWERS AND FACILITIES), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING BONDING FOR TOWER REMOVAL

WHEREAS, staff previously initiated Planning Commission action on amendments to Article IX (Telecommunications Towers and Facilities), Section 70 (Zoning), of the Orange County Code of Ordinances concerning bonding for tower removal; and

WHEREAS, the Planning and Zoning Director and County Attorney drafted recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on June 2, 2016; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on July 12, 2016, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 12<sup>th</sup> day of July, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article IX (Telecommunications Towers and Facilities), Section 70 (Zoning), of the Orange County Code of Ordinances concerning bonding for tower removal, as presented and shown below.

**Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 160712 – PH2  
by the Orange County Board of Supervisors  
on July 12, 2016**

**Chapter 70 - Zoning**

**Article IX – Telecommunications Towers and Facilities**

**Sec. 70-937. - ~~Bonding for tower removal.~~ Repealed.**

~~A bond must be posted at the time of tower approval in the event the county must remove the tower upon abandonment. This bond shall be equal to the cost to remove the tower, all tower and fence footers, underground cables and support buildings plus 25 percent for surety. The bond shall be renewed annually for the life of the tower.~~

RE: CALENDAR

The Board received copies of its calendar for the months of July 2016, August 2016, and September 2016.

RE: ADJOURN

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:09 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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Lee H. Frame, Chairman

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R. Bryan David, County Administrator