

BOARD OF SUPERVISORS MINUTES

SEPTEMBER 27, 2016

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 27, 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: Kurt L. Hildebrand, Assistant County Administrator for Operations; 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

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

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

RE: FY17 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30052006-39900	Appropriated Fund Balance	\$ 0.00	\$ (41,472.00)	\$ (41,472.00)
45330001-43100	Professional Services	42,450.00	41,472.00	83,922.00
30045066-35825	State Miscellaneous	(2,889.00)	2,889.00	0.00
48150006-43200	Contract Serv. - AFID Grant	5,778.00	(2,889.00)	2,889.00
30046001-37050	DMV Grant (Sel. Enforce.)	(626.00)	(16,538.00)	(17,164.00)
43120005-41200	Wages - Overtime	626.00	11,800.00	12,426.00
43120005-46500	Other Oper. Supplies	0.00	4,738.00	4,738.00
49400010-48120 C1109	Econ. Dev. Collaborative	75,000.00	(75,000.00)	0.00
49400006-48120 C1110	GWAP - Utilities Eng. & Des.	0.00	75,000.00	75,000.00
TOTALS		\$ 120,339.00	\$ 0.00	\$ 120,339.00

RE: FY16 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a budget transfer in the amount of \$1,265,068 from the School Operating Fund to the newly-established School Capital Project Fund, as presented.

RE: RESOLUTION OF RECOGNITION FOR THE ORANGE VOLUNTEER FIRE COMPANY

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

A RESOLUTION OF RECOGNITION FOR
the Orange Volunteer Fire Company

WHEREAS, each year, the Virginia State Firefighters Association hosts an Annual Conference in Hampton, Virginia, and 2016 marked the 130th Annual Conference; and

WHEREAS, a portion of the Annual Conference includes a competition where more than a dozen teams from fire agencies across Virginia come together to compete in eight (8) different events that test the firefighters' teamwork, skill, and speed; and

WHEREAS, first, second, and third place winners from each event are awarded team points, which are ultimately used to determine the overall event winner; and

WHEREAS, this year's competition team was led by Coach Jimmy Fitch, and other team members included William Yancey, Will Brown, Bryan Seal, Will Brockman, Dave Brown, Whit Jacobs, Tommy Lillard, Larry Heiston, Matt Wilson, W. A. Hogsten, Jake Koontz, Danny Mallory, Mike Yancey, and Jason Morris; and

WHEREAS, during the August, 2016, competition, the Orange Volunteer Fire Company placed in the Top 3 in six (6) out of the eight (8) events, finishing with four (4) First Place finishes and two (2) Second Place finishes, awarding them 26 total points; and

WHEREAS, for the 13th year in a row, the Orange Volunteer Fire Company won the Virginia State Firefighters Association competition, bringing home the William Packet Memorial Award for having the most team points, earning them their 19th win and confirming their nickname as, "*The Team to Beat*";

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of September, 2016, that the Orange County Board of Supervisors hereby recognizes the Orange Volunteer Fire Company and the competition team members for their 13th-straight victory in the Virginia State Firefighters Association competition, for their sincere passion for firefighting, and for the distinguished service provided to the citizens of Orange County.

RE: MINUTES

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

- September 13, 2016 Worksession
- September 13, 2016 Regular Meeting

RE: NEW BUSINESS

RE: REQUEST TO AMEND THE CHARTER AGREEMENT OF THE RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION

Alyson Simpson, Chief Deputy Clerk, explained that the Executive Director of the Rappahannock-Rapidan Regional Commission requested the Board's consideration to adopt a resolution approving amendments to the Commission's Charter Agreement. She indicated that the amendments would clarify membership and appointment requirements. Ms. Simpson explained that as a member locality, the Board of Supervisors was required to consider the amendments before they were officially approved. She presented the resolution and proposed amendments to the Board for consideration.

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

RESOLUTION TO AMEND THE CHARTER AGREEMENT OF THE
RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION (RRRC)

WHEREAS, the Rappahannock-Rapidan Regional Commission has been duly organized under the laws of the Commonwealth of Virginia and duly chartered by the Counties of Culpeper, Fauquier, Madison, Orange, and Rappahannock, and the Towns of Culpeper, Gordonsville, Madison, Orange, Remington, The Plains, Warrenton, and Washington; and

WHEREAS, the County of Orange is a current member in good standing of the Rappahannock-Rapidan Regional Commission; and

WHEREAS, the Rappahannock-Rapidan Regional Commission has completed a review of the Charter Agreement of the Rappahannock-Rapidan Regional Commission; and

WHEREAS, the Rappahannock-Rapidan Regional Commission has authorized a proposed Charter Amendment for presentation to the current members in good standing relating to Article II – Membership and Article III – Terms of Office and Voting Rights; and

WHEREAS, the Rappahannock-Rapidan Regional Commission has presented current members in good standing with a Charter Amendment that would amend the above sections of the existing Charter Agreement; and

WHEREAS, the Charter Agreement of the Rappahannock-Rapidan Regional Commission may be amended only after concurring resolutions have been adopted by the governing bodies of two-thirds of the member governmental subdivisions of the Rappahannock-Rapidan Regional Commission;

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of September, 2016, that the Orange County Board of Supervisors, as a current Charter Member in good standing of the Rappahannock-Rapidan Regional Commission, having reviewed the proposed Charter Amendment, and having no objections thereto, recommends, and deems it to be in the best interest of the Rappahannock-Rapidan Regional Commission and its Members to approve said amendments; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors hereby concurs with the proposed Amendments to the Charter Agreement of the Rappahannock-Rapidan Regional Commission.

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

RE: PRORATION OF TAX RELIEF FOR THE ELDERLY AND DISABLED

Supervisor Johnson explained a recent situation where ownership had changed on a parcel of land unexpectedly because of a death in the family, and the individual in the family who assumed ownership was charged the entire amount of real estate taxes owed, despite the fact that the previous owner was receiving tax relief. He explained that the tax relief was not prorated based on the time of ownership, and expressed his concern with providing additional options for individuals who make take ownership of property or become eligible for tax relief mid-year.

Thomas Lacheney, County Attorney, explained that localities were allowed to prorate tax relief, but it would require a change to the Code of Ordinances.

By consensus, the Board authorized the County Attorney to draft amendments to the Taxation Ordinance regarding proration of tax relief for the elderly and disabled, with the understanding that said amendments would be presented to the Board at the meeting on October 11, 2016.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: PARKS AND RECREATION QUARTERLY REPORT

Tim Moubray, Parks and Recreation Director, presented the Parks and Recreation Quarterly Report, which included information on the following topics:

- Participation in the various youth and adult Summer programs;
- A summary of various discount ticket sales;
- An update on Playin' in the Park and the Liberty Ride; and
- A highlight reel of photos and events from the past quarter.

The Board thanked Mr. Moubray for his presentation.

RE: FINANCE QUARTERLY REPORT

Glenda Bradley, Assistant County Administrator for Finance and Management Services, presented the Finance Quarterly Report, which included information on the following topics: General Fund revenues; General Fund expenditures; a summary of the Schools, Social Services, Debt Service, Insurance Internal Service, Capital Projects, Airport, and Landfill Funds; and a review of cash balances.

Discussion ensued among the Board regarding: the increase in sales tax revenue; the General Fund balance; surplus fund projections; and additional funds over the 15% and 3% reserve policies.

The Board thanked Ms. Bradley for her presentation.

RE: CYBER SECURITY AWARENESS MONTH

Larry Clement, Information Technology Director, presented information to the Board regarding National Cyber Security Awareness Month. He reviewed planned activities to promote awareness, educate employees and the public, provide free resources, attend public events, and offer training opportunities. Lastly, he presented a proclamation to the Board for its consideration.

Discussion ensued among the Board regarding: vulnerabilities and threats against public organizations; the need to educate the public; and efforts to promote publicity.

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

A PROCLAMATION TO DECLARE THE MONTH OF OCTOBER AS
CYBER SECURITY AWARENESS MONTH

WHEREAS, the County of Orange recognizes that it plays a vital role in identifying, protecting, and responding to cyber threats to both individual and collective security and privacy; and

WHEREAS, information systems support many sectors of Orange County's economy, including financial services, energy, telecommunications, transportation, education, manufacturing, utilities, healthcare, and public safety systems; and

WHEREAS, citizens, schools, libraries, businesses, and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education, and conducting business; and

WHEREAS, information technology is integral to teaching and learning, research, outreach, and service at educational institutions; and

WHEREAS, Internet users and Orange County's information technology infrastructure are under increasing threat of malicious cyber-attacks, including loss of privacy from spyware and adware, and financial losses from identity theft and fraud; and

WHEREAS, The Department of Homeland Security's Stop.Think.Connect. national public awareness campaign is aimed at increasing the understanding of cyber threats and empowering citizens to be safer and more secure online; and

WHEREAS, Virginia's Cyber Security Commission was formed and has made recommendations to enhance the security of information entrusted to the Commonwealth and directives have been issued to further secure sensitive data; and

WHEREAS, Orange County supports our Nation and our Commonwealth in the efforts and plans to improve cyber practices to address ever-evolving threats and challenges; and

WHEREAS, the Board of Supervisors prioritizes the Digital Citizen initiative, particularly in the areas of transactions, information, and security, and recognizes its role in keeping data safe; and

WHEREAS, Cyber Security Awareness Month is an opportunity to address the importance of educating individuals on cyber threats, and to recognize the overall value of cyber security;

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of September, 2016, that the Orange County Board of Supervisors hereby recognizes the month of October as Cyber Security Awareness Month and calls this observance to the attention of all its citizens.

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

RE: COUNTY ATTORNEY'S REPORT

RE: BIOSOLIDS LAND APPLICATIONS

Supervisor Crozier indicated that he had received comments from concerned citizens regarding a parcel in his district where an application had been submitted to DEQ to apply biosolids. After researching additional information from DEQ, he provided updates on the permissions being sought in the application, possible changes to the application, and the mandatory review and comment period.

Discussion ensued among the Board regarding: changes in State Code that allowed enabling legislation to be adopted by localities; local options; whether or not the local monitor should be re-instated for testing; funding and reimbursement for local monitors; concerns with road maintenance from the biosolids trucks; and the overall DEQ application process.

By consensus, the Board requested that staff contact the Department of Environmental Quality (DEQ) to request an extension of the review period and encourage changes to the recent Recyc biosolids land application on the Civil War Trust property in District Four, which would allow citizens more time to understand and comment on the submitted application, and requested that staff further investigate the enabling legislation regarding local biosolids monitors.

RE: COUNTY ADMINISTRATOR'S REPORT

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

RE: BOARD COMMENT

Supervisor White provided information on a request from the Lake Anna Advisory Committee to support their efforts in adopting a consistent shoreline buffer. He explained that the resolution would be presented for the Board's consideration at the next meeting on October 11, 2016.

Supervisor Crozier explained a recent request for a subdivision to be allowed to become a golf cart community near Wal-Mart in Locust Grove. He also briefly discussed regulations regarding solar farms.

RE: CLOSED MEETING

At 6:25 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 matters in Closed Meeting.

On the motion of Mr. Johnson, seconded by Mr. Crozier, 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 7:01 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 7:01 p.m., Chairman Frame opened the floor for public comment.

The following individuals spoke:

- Donna Fraleigh, Resident of Locust Grove
- Joyce Hajnosz, 31580 Zoar Road, Locust Grove

There being no further speakers, public comment was closed at 7:10 p.m.

RE: PUBLIC HEARING #1: PROPOSED AMENDMENTS TO THE TAXATION ORDINANCE CONCERNING ADMINISTRATIVE FEES FOR THE COLLECTION OF DELINQUENT TAXES

Thomas Lacheney, County Attorney, explained that he and the Treasurer had discovered a section in the Orange County Code of Ordinances that required amendments. He added that the administrative fees for the collection of delinquent taxes was outdated, and the section must be changed in order to update the limit on said administrative fees and align with State Code. Mr. Lacheney noted that the Board had previously authorized staff to schedule a Public Hearing, and adoption of the proposed ordinance would codify the necessary corrections.

At 7:11 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

AMENDMENT TO THE TAXATION ORDINANCE

The Board of Supervisors will consider the adoption of an amendment to the Taxation Ordinance regarding administrative fees to cover the cost of collecting delinquent taxes. The amendment would update an outdated section of the Orange County Code of Ordinances that has currently established a lower limit on administrative fees than what is permitted by law, ultimately aligning the ordinance with State Code.

There being no speakers, Chairman Frame closed the Public Hearing at 7:11 p.m.

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

ORDINANCE APPROVING AMENDMENTS TO ARTICLE II (ADMINISTRATION), SECTION 58 (TAXATION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING FEES FOR THE COLLECTION OF DELINQUENT TAXES

WHEREAS, the Board of Supervisors previously initiated action on amendments to Article II (Administration), Section 58 (Taxation), of the Orange County Code of Ordinances concerning fees for the collection of delinquent taxes; and

WHEREAS, the County Attorney drafted recommended language for the amendments, which were presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on September 27, 2016, to receive public comment; and

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

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

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of September, 2016, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Article II (Administration), Section 58 (Taxation), of the Orange County Code of Ordinances concerning fees for the collection of delinquent taxes, 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. 160927 – PH1
by the Orange County Board of Supervisors
on September 27, 2016**

Article II – Administration

Sec. 58-55 – Fee to cover cost of collection of delinquent taxes.

A fee is imposed on delinquent taxpayers to cover the administrative costs and reasonable attorney's or collection agency's fees ~~actually contracted for, which~~ The attorney's or collection agency's fees shall not exceed 20 percent of the delinquent tax bill associated with the collection of delinquent taxes. Such administrative costs shall be in addition to all penalties and interest, and be the amount permitted in Va. Code §58.2-3958. ~~shall not exceed \$20.00 for taxes collected subsequent to the filing of a warrant or other appropriate legal document but prior to judgment, and \$25.00 for taxes collected subsequent to judgment.~~

(Ord. of 3-12-1996)

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- August 2, 2016 Culpeper Soil and Water Conservation District (CSWCD) Minutes
- 2015 Economic Impact Report of Domestic Travel on Virginia and Localities
- 2016 Certified Statements of Assessed Value for Public Utilities

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of September 2016, October 2016, and November 2016.

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 7:12 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Lee H. Frame, Chairman

R. Bryan David, County Administrator