

BOARD OF SUPERVISORS MINUTES

October 9, 2012

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 9, 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; Thomas Lachenev, County Attorney; and Alyson Simpson, 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 Mr. White and carried, to approve the consent agenda as presented.

RE: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

MONTH	DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
October 9, 2012 For FY2013				
	Animal Shelter	Emergency Vet	\$ 785.00	Donations
		Subtotal Animal Shelter	\$ 785.00	
	Sheriff	Firing Range	\$ 1,000.00	Payment from City of Manassas
		Subtotal Sheriff	\$ 1,000.00	
	Orange County Library	Adult Books	\$ 505.00	Donations
	Orange County Library	Juvenile Books	\$ 505.00	Donations
		Subtotal Orange County Library	\$ 1,010.00	
		Total this request	\$ 2,795.00	

RE: REFUND PAYMENT TO AMERICAN WOODMARK

This item was removed from the agenda.

RE: RESOLUTION APPOINTING BUILDING OFFICIAL

The Board approved the following resolution as presented:

A RESOLUTION APPOINTING THE BUILDING OFFICIAL

WHEREAS, pursuant to Sec. 10-32 of the Orange County Code, the appointment of a Building Official is required; and

WHEREAS, there is currently an Acting Building Official in office; and

WHEREAS, appointment of a Building Official is necessary to meet the requirement of the Orange County Code;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County does hereby appoint G.W. Gray, Acting Building Official, as the Building Official for Orange County.

RE: RESOLUTION OF APPRECIATION FOR THE ORGANIZERS AND PROPERTY OWNERS OF THE FIRST ANNUAL LIBERTY RIDE

The Board approved the following resolution as presented:

A RESOLUTION OF APPRECIATION FOR THE ORGANIZERS AND PROPERTY OWNERS OF THE FIRST ANNUAL LIBERTY RIDE

WHEREAS, the Orange County Parks and Recreation held their First Annual Liberty Ride on September 22, 2012; and

WHEREAS, the Liberty Ride was approximately an eleven mile horseback and wagon ride from Oakland Heights Farm to Montpelier and back, as part of Montpelier's Annual Constitution Day Celebration; and

WHEREAS, the Sponsors were Dairy Korner Restaurant, Gas and Stuff, Hamilton's Day Spa, Integrity Automotive, Jacks Samuels Realty, James Madison's Montpelier, Logan's Salon & Spa, Orange County Parks and Recreation, Orange Tire and Recap Inc., Partners 1st Federal Credit Union, Schewel's Furniture, Scoops Ice Cream, Super Nails, The Miller Firm, Virginia Horse Council, Virginia Horse Industry Board, Waugh Enterprises Harley-Davidson and Wayne Modena State Farm Insurance; and

WHEREAS, the Liberty Ride was also the inaugural fundraiser for the Orange County Parks and Recreation Foundation; and

WHEREAS, the Liberty Ride had sixty-six participants, seventy horses and three carriages and included riders such as Delegate Ed Scott, Supervisor Jim White and Miss Rodeo Virginia Lindsey Harper; and

WHEREAS, the Orange County Board of Supervisors would like to especially thank the Orange County High School JROTC, Raymond "Burger" Pierce, Art Magner and David Lamb for their time and effort in making the First Annual Liberty Ride of Orange County a successful event; and

WHEREAS, the Orange County Board of Supervisors would like to extend their heartfelt thanks to local landowners; David and Sally Lamb; Don Estes; Mrs. E.R. Colvin; Wayne and Vera Preddy; Randolph Thompson and Monk Sanford for the use of their property and making sure that safety was a number one priority of this event; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County extends its appreciation and admiration to the Orange County Parks and Recreation Foundation, the Orange County High School JROTC, the adjoining landowners and the many volunteers for their outstanding work and involvement in making the First Annual Liberty Ride a triumphant and successful event.

RE: SETTLEMENT AGREEMENT WITH AMERICAN PRESS FOR DISPUTED MACHINERY AND TOOLS TAXES

The Board authorized the County Administrator, with the agreement of the Treasurer, to enter into and execute a settlement agreement with American Press on disputed Machinery and Tools taxes.

RE: DRAPER ADEN ASSOCIATES BASE AGREEMENT FOR LANDFILL CONSULTING SERVICES

As detailed in the memorandum provided to the Board by Kurt Hildebrand, Director of Public Works, Orange County had an agreement for Solid Waste Management Services with Draper Aden, which had been in place since 2006 and was last extended in October 2011. Mr. Hildebrand noted that Draper Aden was currently providing construction phase services for the Landfill expansion (Permit #566, Task Order 15) and was also preparing plans and would provide quality assurance for closure of the existing Landfill (Permit #90, Task Order 19).

Mr. Hildebrand further noted that staff recommended approval to extend the Base Agreement with Draper Aden Associates for an additional one (1) year term, which would allow staff and Draper Aden to complete the Landfill expansion project and proceed with closure of the existing Permit #90 facility.

The Board authorized the County Administrator to extend the current Base Agreement for Solid Waste Management Services with Draper Aden Associates, for an extension term of one (1) year, contingent on approval as to form by the County Attorney.

RE: MINUTES

The Board approved the following minutes:

- September 25, 2012 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award to Cyndi Harbin for October, 2012.

RE: SERVICE AWARDS

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

- | | | |
|-------------------|----------|--------------------------------|
| - Kurt Hildebrand | 5 years | Director of Public Works |
| - Valerie Jarrell | 10 years | Commissioner of Revenue Deputy |

Also receiving Service Awards, but not in attendance, were:

- | | | |
|----------------|----------|-----------------------------|
| - Carolyn Ladd | 15 years | OCSO Victim Witness Program |
| - Gary Lindsay | 15 years | Landfill Maintenance |

RE: PRESENTATION OF RESOLUTION OF APPRECIATION FOR THE ORGANIZERS AND PROPERTY OWNERS OF THE FIRST ANNUAL LIBERTY RIDE

Chairman Goodwin presented the Resolution of Appreciation to the organizers and property owners of the first annual Liberty Ride.

RE: BUSINESS SPOTLIGHT

Mr. Keith Morris, Owner of Integrity Automotive, appeared before the Board to spotlight his business. He stated that he and his wife opened the business in Orange over six years ago, and they were a full service automotive shop, with the exception of paint and body work. Mr. Morris said he took his business seriously and emphasized training for his ten employees as vehicles were constantly changing. He discussed service software updates and the evolution of vehicles and noted that his employees could work on both old and new vehicles.

The Board thanked Mr. Morris for his presentation.

RE: ECONOMIC DEVELOPMENT QUARTERLY REPORT

Karen Epps, Economic Development Director, presented the Economic Development Quarterly Report, which included information on the following topics:

- The most recent unemployment figures;
- Statistics from the Orange Workforce Center;
- Third Quarter prospect activity;
- Statistics from the Economic Development website traffic; and
- Information on the Business Retention and Expansion (BRE) program.

Discussion ensued among the Board regarding the success of the Orange Workforce Center and ways to follow-up or track clients who were able to receive a job through assistance from the Workforce Center.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE

Roy Tate, Jr., Acting Residency Administrator, provided a quarterly update to the Board. He reported that VDOT was in receipt of the request to not change Catharpin Road, Route 606, to a Rural Rustic Project, and VDOT would proceed as a regular Construction project with the scope starting this fall. Mr. Tate noted that the safety review for the Lake of the Woods entrance was under review, as well as the signal phasing at the intersection of Routes 522 and 20, and the pavement markings on Route 639. He concluded by reporting that crews were performing the last cycle of mowing for the season and would begin setting up for winter snow removal soon.

The Board thanked Mr. Tate for his presentation.

RE: PUBLIC COMMENT

At 4:28 p.m., Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

There were no comments at this time.

RE: ACTION ITEMS

RE: AMENDMENT TO PERSONNEL POLICY 2.5C FOR PARAMEDICS

John Harkness, Fire and EMS Chief, stated that the Department of Fire and EMS was recommending a change to Personnel Policy 2.5. He noted that the Policy currently did not allow the Department to reimburse employees for any of the costs related to Paramedic training, and that was the only type of training prohibited by the Personnel Policy Manual. Chief Harkness further noted that the policy also prohibited employees to attend Paramedic training on duty.

Chief Harkness explained that he recommended removing the first and second paragraphs under Section C of Personnel Policy 2.5, and replacing the deleted paragraphs with the following three paragraphs:

1. The County of Orange may, at its sole discretion, provide assistance with the cost of accredited Paramedic programs to its employees. Selection of employees who may attend shall be at the sole discretion of the Chief and or his/her designee.
2. The County of Orange may, at its sole discretion, allow its employees to attend Paramedic training on duty when staffing permits.
3. Employees who receive assistance with their Paramedic training will be required to fulfill the service obligations listed in Personnel Policy 2.5 B2.

Chief Harkness noted that allowing the Department of Fire and EMS to assist its employees with Paramedic training would have a positive impact on employee morale, and would improve the quality of emergency medical care provided to the citizens of the County. He concluded by stating that the amount of assistance to each employee would be determined by the budget limitations of the Department and its current staffing levels, and the intent of the amendment to the Policy was to provide partial reimbursement of the costs associated with Paramedic training.

Discussion ensued among the Board regarding: the reimbursement for other training; reasons why the Paramedic training was initially excluded; selection criteria; and who would make the final decision on assistance selection.

Mr. Frame moved, seconded by Mr. White and carried, to approve the amendments to Personnel Policy 2.5C, to allow for Paramedic training, as presented.

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

RE: AMENDMENT TO R.M. SODERQUIST AGREEMENT FOR LANDFILL OPERATIONS

Kurt Hildebrand, Public Works Director, reported that during an August, 2012 Board meeting, when the R.M. Soderquist agreement was extended, the following was stated: "It is staff's recommendation that the agreement between Orange County and R.M. Soderquist be extended to June 30, 2013. Operation costs for Permit #90 will end on December 31, 2012, and closure activities will occur through June 2013." He noted that the recommendation was approved and the contract was extended, but some issues had come up since that time and he was suggesting further modification to the contract.

Mr. Hildebrand explained that the intent was that staff would draft a Request for Proposal (RFP) for operation of the new Landfill cell (Permit #566) and the firm chosen would begin operation concurrent with the opening of the new cell, scheduled for January 1, 2013. He noted that a vital component of the RFP was the Operations Manual and that Manual was initially included in the Part B permit application. He further noted that the permit application began several years ago, but the process was very lengthy. Mr. Hildebrand stated that during the time of permit application and DEQ review, the State's Solid Waste Regulations were revised, now requiring that the proposed Operations Manual be revised.

Mr. Hildebrand stated that the revisions to the Operations Manual were ongoing and would be submitted to DEQ for approval. He noted that staff felt confident this would not delay the opening date, but it would prevent the ability to issue a RFP in time to secure a new contract for operation. Therefore, Mr. Hildebrand stated that staff recommended that the existing contract with R.M. Soderquist be extended to June 30, 2013. He concluded by explaining that an RFP for Landfill Operations would be issued and a new contract would be in place beginning July 1, 2013.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize the County Administrator to extend the current agreement with R.M. Soderquist for Landfill Operations

through June 30, 2013, for a current contract amount of \$853,000 as adopted in Line 513-042400-3106 of the County's FY2013 Budget.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Marcia Brose as an At-Large Representative on the Rappahannock-Rapidan Community Services Board for a three year term, with said term expiring on December 31, 2015.

By consensus, the Board re-appointed Winston Sides as the District 5 Representative on the Economic Development Authority for a four year term, with said term expiring on December 31, 2016.

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

RE: DISCUSSION ITEMS

RE: UPDATE ON E-911 CENTER STATUS

Nicola Tidey, E-911 Center Director, stated that staff had been working over the last month to develop generalized cost estimates and develop a timeline for the E-911 and Emergency Operations Center relocation project. She noted that the overall project was to begin at baseline, and then develop a needs assessment of space, appropriate staffing levels, systems readiness and preparedness, and to look at several different options to expand and improve the current systems.

Ms. Tidey explained that the first step was the space needs assessment and concept design, which was an eight-week process that would include: conducting a space needs assessment; creating a base floor plan; evaluating conditions to determine what improvements are needed to meet the projected space requirements; and developing concept and design. She noted that the cost of the proposal from Wiley-Wilson was \$32,000.

Discussion ensued among the Board regarding: funding for the proposed project; carry forward funds that could be used; the project timeline; and Wiley-Wilson's experience in this field.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to proceed with the first phase of the E-911 Center project using "carry forward" funds from FY2012 from the Department of Public Works (Line Item # 4-100-043200-3100) in the amount of \$32,000, and authorized the County Administrator to execute necessary documents related to the proposal from Wiley-Wilson.

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

RE: RAPPAHANNOCK RIVER AND RAIN GAUGES STUDY; CONTRIBUTION REQUEST

Julie Summs, County Administrator, updated the Board on the contribution request and reported that staff was able to confirm that the Rapidan River, as well as all other tributaries to the Rappahannock River, were part of the River and Rain Gauges Study.

Mr. Frame moved, seconded by Mr. Wilson and carried, to authorize the expenditure of \$2,000 from the Contingency Fund for participation in the Rappahannock River and Rain Gauges Study.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report from October

RE: COMMITTEE REPORTS

Supervisor White reported on the informational meeting held by the Planning Commission on October 4, 2012.

RE: CALENDAR

The Board received copies of its calendar for the months of October, November, and December 2012.

RE: JOINT MEETING WITH SCHOOL BOARD TO DISCUSS SCHOOL CIP

RE: CALL TO ORDER

Chairman Goodwin called the Joint Meeting with the School Board to order at 5:00 p.m.

RE: ADOPTION OF AGENDA

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

RE: ADOPTION OF COMMUNICATION DOCUMENTS

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the Board of Supervisors and School Board Vision Rack Card and Vision Poster as presented.

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

RE: CIP PRESENTATION

Doug Arnold, Coordinator of Facilities, provided information on the Capital Improvement Plan (CIP) budget for the Orange County Public Schools. He presented the current CIP Budget, and provided a brief overview of the CIP Budgets for the out years (FY14 through FY16). Mr. Arnold reviewed a current list of unfunded five-year projects.

RE: SHORT-TERM CAPACITY EXPANSION PROJECT

Doug Arnold, Coordinator of Facilities, discussed the short-term capacity expansion project for the Orange County High School. He noted that the change in price between the price provided at the September 27, 2012 Joint Worksession and the current price was the addition of one (1) modular unit, as well as the A&E fees and utility fees for the additional modular.

Discussion ensued among the Boards regarding: the increase in the number of modular units; the cost of furnishing the science labs; the need for the additional modular unit; heating and air conditioning in the modular units; toilet facilities in the modular units; and stormwater management once the modular units were installed.

Mr. Arnold continued his presentation. He explained that Part 1 of the project was to install the five (5) modular classrooms in the front of the High School, and there were two potential locations depending on the long-term plan. He provided a map and reviewed the preliminary budget. Mr. Arnold reviewed a rough schedule for completing Part 1, which would take about 20 weeks from start to finish.

Mr. Arnold explained that Part 2 of the project was to renovate the existing classrooms to science labs. He provided a map of the classroom area that would be converted and reviewed the preliminary budget. Mr. Arnold presented a rough schedule for completing Part 2, which would take between 30 and 32 weeks from start to finish.

Mr. Arnold concluded by reviewing the total project budget and schedule. He reported that the total project was projected to cost \$844,625 and would take between 38 and 40 weeks from start to finish, as there were certain weeks that overlapped in progress.

Discussion ensued among the Boards regarding: the purpose of the two (2) additional modular units for added capacity; the potential for asbestos removal; the location of the modular units once installed; plans for the classroom renovations; project financing and funding; the possibility of installing only three (3) modular units versus five (5) modular units; the possibility of an addition at the High School; the potential CTE Center; the need for an analysis between the High School addition and the stand-alone CTE Center; the requirement for a Public Hearing if the appropriation approaches a certain dollar amount; the variability in prices since they are estimates instead of price quotes; and how this project timeline and funding affected the funding of the E-911 Center project.

Mr. Frame moved, seconded by Mr. White and carried, to authorize the appropriation of \$800,000 to the Orange County Public Schools for the short-term capacity expansion project, the installation of five (5) modular units at the Orange County High School to address overcrowding and the need for science labs. Funding is from the General Fund Balance and represents the estimated amount available over the 18% Fiscal Stability Reserve (as calculated in the June 30, 2012 quarterly financial report).

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

RE: LONG-TERM PLANNING STEPS

Julie Summs, County Administrator, discussed several long-term planning steps and ideas, including a CIP Plan for the Schools and an annual meeting schedule between the Board of Supervisors and the School Board. The Boards discussed the need to have another joint meeting soon in order to further discuss project funding and the High School expansion and CTE Center ideas.

RE: ADJOURN

The Board adjourned the Joint Worksession with the School Board at 6:42 p.m.

RE: CLOSED MEETING

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

- One (1) matter regarding discussion with legal counsel concerning a potential contract dispute which requires the provision of legal advice (§2.2-3711.A.7 VA Code Ann.); and
- Current pending County litigation (§2.2-3711.A.7 VA Code Ann.)

WHEREAS, pursuant to §§2.2-3711.A.7 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County does hereby authorize discussion of the aforesated matters in Closed Meeting.

RE: CERTIFICATION OF 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.

RE: PUBLIC HEARING

At 7:34 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

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 6-12-2012)

There being no speakers, Chairman Goodwin closed the public hearing at 7:34 p.m.

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

Amendment to the Zoning Ordinance, NEW Section 70-41, Relating to Permit Application Procedures

WHEREAS, on June 12, 2012, the Board of Supervisors initiated a zoning text amendment to Chapter 70 – Zoning, Article II – Administration, pertaining to planning and zoning permit application procedures; and

WHEREAS, the Planning Commission advertised and held a public hearing on August 16, 2012, to receive public comment regarding such proposed amendment; and

WHEREAS, after discussing the proposed amendment, and considering comments received during the public hearing, the Planning Commission recommended approval to the Orange County Board of Supervisors of the proposed amendment; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the Zoning Ordinance amendment;

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors of Orange County does

hereby adopt the following Zoning Ordinance text amendment, adding a new Section 70-41 related to planning and zoning permit application procedures for delinquent taxes. (Ord. of 6-12-2012)

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

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Frame and carried, to adjourn the meeting at 7:35 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator