At a regular meeting of the Orange County Board of Supervisors held on Tuesday, October 22, 2013, beginning at 5:00 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. Also present: Julie G. Summs, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: FY14 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations as presented:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
Sheriff's Office	Program Expenses	$ 1,673.34	BJA Fed. Grant
Sheriff's Office	Police Supplies	$ 1,600.00	K-9 Donations
Subtotal Sheriff's Office		**$ 3,273.34**	

RE: PROCLAMATION IN RECOGNITION OF RED RIBBON WEEK

The Board adopted the following proclamation as presented:

A PROCLAMATION TO DECLARE THE WEEK OF OCTOBER 23 - OCTOBER 31, 2013
AS *NATIONAL RED RIBBON WEEK* IN ORANGE COUNTY

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby declare the week of October 23, 2013 through October 31, 2013 as *National Red Ribbon Week* in Orange County, Virginia.

WHEREAS, alcohol and drug abuse in this Nation have reached epidemic stages; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The Young Marines is a drug demand reduction program sponsored by the Marine Corps League. Membership is for youth ages 8-18, or completion of high school and The Young Marines models their program after Marine Corps values – Honor, Courage, and Commitment – by focusing on teaching youth to live a drug-free lifestyle and teach ideals such as Leadership, Teamwork, and Discipline; and

WHEREAS, The LCpl Caleb John Powers Young Marines participate in and promote The National Red Ribbon Campaign; and

WHEREAS, The National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles (*no use of illegal drugs, no illegal use of legal drugs*); and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during National Red Ribbon Week; and

WHEREAS, business, Government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign;

NOW, THEREFORE, BE IT PROCLAIMED, that the Orange County Board of Supervisors hereby declare October 23, 2013 through October 31, 2013 as *National Red Ribbon Week* in Orange, Virginia; and

BE IT FURTHER PROCLAIMED, that the Orange County Board of Supervisors encourages all citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long, making a visible statement to be strongly committed to a drug-free lifestyle and community.

RE: RESOLUTION REQUESTING THAT CONGRESS OPEN SHENANDOAH NATIONAL PARK

This item was struck from the agenda.

RE: CORRECTION TO TERM DATE ON THE SOCIAL SERVICES BOARD

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, at the July 23, 2013, Board of Supervisors' meeting, the Board took action to reappoint Pat Nabers to the Social Services Board with a term ending June 30, 2017. She explained that following staff's action to send Ms. Nabers a re-appointment letter, Social Services staff notified Administration staff that the 2017 expiration date was incorrect and that the expiration date should actually be June 30, 2015.

Ms. Summs further explained that after receiving notification of the inaccuracy from Social Services staff, an item was placed on the August 27, 2013 agenda for the Board to correct the expiration date to June 30, 2015 and the Board acted to do so and a revised re-appointment letter was sent to Ms. Nabers.

Ms. Summs noted that on September 13, 2013, Ms. Nabers sent an email to Social Services staff advising them that the initial expiration date of June 30, 2017 was correct and that the revised date of June 30, 2015 was incorrect. She further noted that staff explained the reason for the changes in the appointment date to Social Services, who then reached out to the State Department of Social Services to confirm a definitive term date.

Ms. Summs concluded by stating that at this time, based on the most recent correspondence from Social Services staff, a request was made to correct Ms. Nabers' term expiration date to June 30, 2017, the date that was originally noted by Administration staff.

The Board corrected the term expiration date of Ms. Pat Nabers from June 30, 2015, to June 30, 2017, as the District 1 Representative on the Social Services Board.

RE: MINUTES

The Board approved the following minutes:

- October 8, 2013 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award for October 2013 to Josh Frederick, Senior Planner.

RE: BUSINESS SPOTLIGHT

This item was struck from the agenda.

RE: PRESENTATION OF PROCLAMATION IN RECOGNITION OF RED RIBBON WEEK

Chairman Goodwin read the Proclamation in Recognition of Red Ribbon Week and presented a copy to Young Marine Corporal Dev Patel, Young Marine Corporal Cullen Corey, and Young Marine Private First Class Josh Cruz.

RE: PRESENTATION OF RESOLUTION OF APPRECIATION FOR THE ORGANIZERS AND PROPERTY OWNERS OF THE 2013 LIBERTY RIDE

Chairman Goodwin read the Resolution of Appreciation for the Organizers and Property Owners of the 2013 Liberty Ride and presented a copy to Tim Moubray, Parks and Recreation Director, David Lamb, and Eric Hopwood.

RE: INTRODUCTION OF GOVERNOR'S SCHOOL LEGACY PROJECT

Seth Winkler, Governor's School Student at Orange County High School, introduced himself to the Board. He explained his legacy project requirement to the Board, as well as his hope to have his project be the restoration of the Historic Courthouse Clock Tower. Mr. Winkler stated that he hoped to raise awareness of the Clock Tower, raise funds to complete the restoration, and be as involved in the project as possible.

Discussion ensued among the Board regarding: touring the Clock Tower; what funds the County had set aside to complete the project; and fund raising efforts.

RE: PUBLIC COMMENT

At 5:21 p.m., Chairman Goodwin opened the floor for public comment.

There being no speakers, public comment was closed at 5:21 p.m.

RE: BOARD COMMENT

Supervisor White thanked the organizers of the Liberty Ride again, adding that David Lamb had contributed many hours and put a tremendous amount of hard work into helping organize the event.

Supervisor Frame explained that there were concerns with the contract issued by the Central Virginia Regional Jail for the expansion project and the award was challenged. He stated that the contract and bidding process would likely be redone.

RE: ACTION ITEMS

RE: AMENDMENT TO PERSONNEL POLICIES 5.4 AND 5.6 REGARDING MILITARY LEAVE AND CIVIL LEAVE

Thomas Lacheney, County Attorney, explained that the County recently had an employee who joined the United States Army Reserves and would become subject to the County's Military Leave policy. He noted that in reviewing the County policy, military leave had always been done on an unpaid basis, but when someone was on jury duty (civil leave), the County paid the employee for that time. Mr. Lacheney explained that although the issue was not completely clear, it could be argued that the difference in civil leave versus military leave was in contravention of Federal requirements, and he recommended amending the two policies as presented.

Discussion ensued among the Board regarding: the difference between the 120 hour allowance and the 160 hour allowance as detailed in the Military Leave policy; the use of the calculations by the Veterans Administration; whether or not the policies applied to all employees or if they were eligibility based; reserves versus active service; and payback of the leave.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the amendments to Personnel Policies 5.4 and 5.6 regarding military leave and civil leave, to be effective immediately.

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

RE: FUNDING FOR THE BURN BUILDING RENOVATIONS

John Harkness, Fire and EMS Chief, explained that the Department of Fire and EMS had received a detailed structural evaluation of the Burn Building, located on Porter Road behind the Sheriff's Office. He noted that this report was provided by The Structures Group, Inc. in accordance with the 2007 Edition of the National Fire Protection Association (NFPA) Standard 1403, as adopted by the Virginia Department of Fire Programs, in order to determine the nature and extent of distress to the interior and exterior of the Burn Building. Chief Harkness further noted that until the recommended renovations were made to the Burn Building, a recommendation had been made that the building not be used for live burns.

Chief Harkness explained that the recommended renovations and repairs may be eligible for a grant award through the Virginia Fire Services Board; however, the County would be required to hire an engineer and receive bids for the renovations prior to submitting the grant application by January 1, 2014. He further explained that at this time, a proposal had been received from Wiley|Wilson for the engineering work at a price of $15,500. Chief Harkness stated that the engineering costs would be reimbursable by the grant if the application was successful. He indicated that in order to procure the required engineering at this time, staff was requesting an appropriation from the Contingency Fund, which would later be restored if grant funding was awarded.

Discussion ensued among the Board regarding: reimbursement to the Contingency Fund; what would happen if grant funding was not awarded; developing a plan to budget for this expense every five (5) years; refurbishment and maintenance costs; the type of repairs that need to be completed; and replacement costs.

Mr. Frame moved, seconded by Mr. White and carried, to approve the appropriation of $15,500 from the FY14 Contingency Fund in order to fund the necessary engineering for the Burn Building Renovation project, with the understanding that if grant funds were subsequently made available for reimbursement, the Contingency Fund would be restored.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed V. Rea Jones as an At-Large Representative on the Lake Anna Advisory Committee, for a four-year term, with said term commencing January 1, 2014, and expiring on December 31, 2017.

By consensus, the Board re-appointed Mary Lou McFarland as an At-Large Representative on the Rappahannock-Rapidan Community Services Board, for a three-year term, with said term commencing January 1, 2014, and expiring on December 31, 2016.

By consensus, the Board re-appointed Phillip Cooke as an At-Large Representative on the Rappahannock-Rapidan Community Services Board, for a three-year term, with said term commencing January 1, 2014, and expiring on December 31, 2016.

By consensus, the Board appointed Curtis Gahring as an At-Large Representative on the Youth Commission, for an unexpired four-year term, with said term commencing immediately, and expiring on September 30, 2017.

By consensus, the Board appointed Jennifer Moore as an At-Large Representative on the Youth Commission, for an unexpired four-year term, with said term commencing immediately, and expiring on September 30, 2016.

RE: DISCUSSION ITEMS

There were no Discussion Items at this meeting.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Economic Development Quarterly Report
- Treasurer's Report for August

RE: COMMITTEE REPORTS

The Board received the following Committee Reports for its information:

- September 3, 2013 Culpeper Soil and Water Conservation District Minutes
- September 4, 2013 School Board Minutes

RE: CALENDAR

The Board received copies of its calendar for the months of October, November, and December, 2013.

RE: SCHEDULE A PUBLIC HEARING FOR A BUDGET AMENDMENT FOR PUBLIC SCHOOLS CARRY FORWARD REQUESTS

By consensus, the Board authorized staff to advertise for and schedule a public hearing for a budget amendment for public schools carry forward requests on Wednesday, November 13, 2013, at 7:00 p.m. at the Lake of the Woods Clubhouse.

RE: SCHEDULE A PUBLIC HEARING FOR AN AMENDMENT TO THE ZONING ORDINANCE REGARDING ACCESSORY APARTMENTS

By consensus, the Board authorized staff to advertise for and schedule a public hearing for an amendment to the Zoning Ordinance regarding accessory apartments on Wednesday, November 13, 2013, at 7:00 p.m. at the Lake of the Woods Clubhouse.

RE: CONSIDERATION OF A JOINT WORKSESSION WITH THE SCHOOL BOARD REGARDING HIGH SCHOOL MASTER PLANNING

By consensus, the Board authorized staff to schedule a Joint Worksession with the School Board regarding High School Master Planning on Tuesday, December 3, 2013, at 5:00 p.m.

RE: CLOSED MEETING

At 5:35 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 aforestated matter in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 6:22 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, Goodwin, Wilson, Frame, White. Nays: None.

RE: RECESS

At 6:22 p.m., the Board of Supervisors recessed their meeting.

RE: RECONVENE

At 7:00 p.m., the Board of Supervisors reconvened their meeting at the Taylor Education Administration Complex, located at 200 Dailey Drive, Orange, Virginia. All members were still present.

RE: PUBLIC HEARING #1

Josh Frederick, Senior Planner, reviewed the staff report and request from Scott Pattillo, on behalf of Discount Propane Services, which included information on the location and specifications of the subject property, the request for the Special Use Permit for a propane gas tank storage facility, the recommendation from the Planning Commission, and the conditions of the SUP being proposed by staff.

The Board of Supervisors requested that John Harkness, Fire and EMS Chief, address some of the concerns presented in the letter dated October 16, 2013, from Howard Kierzewski. Chief Harkness addressed the Board regarding: training requirements; hazardous materials training; response in the first due area; water supply; hazards associated with propane; fire risk analysis; standards; and safety precautions.

Discussion ensued among the Board regarding: the hazardous radius; fire risk analysis; the required flow rate of ten (10) minutes; relief valves; and the higher risk associated with small propane tanks.

The applicant was offered an opportunity to give a brief presentation, but he was not in attendance.

At 7:17 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

SUP 13-03: Scott Pattillo, on behalf of Discount Propane Services, has applied for a Special Use Permit to install a propane gas tank storage facility on property located on Dulin Lane in Locust Grove, Virginia, and referenced as Tax Map No. 50-05. This request is pursuant to Section 70-543(1) of the Orange County Zoning Ordinance. The property has an existing Special Use Permit (#03-08) for a propane gas tank storage facility under separate ownership. This parcel is 29.5 acres in size, zoned General Industrial (I-2), and located on the west side of Dulin Lane (Route 608), approximately 1 mile south of the intersection with Mine Run Road (Route 621).

The following individual spoke:

- Howard Kierzewski, 30391 Catharpin Road, Mine Run, Virginia

There being no further speakers, Chairman Goodwin closed the Public Hearing at 7:23 p.m.

The Board expressed interest in better understanding some of the questions and concerns associated with the application, and requested that the applicant be present at the next meeting.

Mr. White moved, seconded by Mrs. Abbs and carried, to table this matter until the November 13, 2013 Board of Supervisors' meeting, and requested that staff contact the applicant to ensure that he would be present at the next meeting.

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

RE: PUBLIC HEARING #2

Gregg Zody, Planning and Zoning Director, introduced the Comprehensive Plan Public Hearing by providing a brief overview of the revision process, including the Planning Commission Public Hearing and Public Information Meeting process. He also summarized the areas of land designation that were revised and areas of Economic Development that were assigned.

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

The Orange County 2013 Draft Revised Comprehensive Plan: The plan addresses an entire range of issues as they relate to the future of Orange County. It establishes the vision as "Sustain

the rural character of Orange County while enhancing and improving the quality of life for all its citizens." The Plan sets forth the following primary goals: 1. Promote and preserve our unique historic and environmental resources; 2. Ensure the County is a competitive location for economic development opportunities; 3. Provide for adequate public services and facilities to serve the needs of County citizens; 4. Provide the citizens of Orange County with the safest and most efficient transportation system based on state, local and regional future land use and transportation plans.

Alyson Simpson, Chief Deputy Clerk, stated that thirty-four (34) letters and emails had been received to-date and would be entered into the permanent public record.

The following individuals spoke:

- Nancy Wiley, 16104 Montebello Road, Orange, Virginia
- Serena Wiley, 16066 Montebello Road, Orange, Virginia
- Pat Dietch, 21161 Lahore Road, Orange, Virginia
- Carl Prober, 15246 Double Top Lane, Barboursville, Virginia
- Traci Griggs, 15246 Double Top Lane, Gordonsville, Virginia
- Bill Speiden, Representative of Orange County Farm Bureau
- Bill Speiden, 12046 Blue Hill Drive, Somerset, Virginia
- John Bangs, 22140 Monrovia Road, Orange, Virginia
- Mark Coombs, Representative of Civil War Trust
- Catherine Brooks, P. O. Box 87, Montpelier Station, Virginia
- Steven Brooks, P. O. Box 87, Montpelier Station, Virginia
- Alyson Sappington, 12505 Albano Road, Barboursville, Virginia
- John Jaske, 20019 Springhill Lane, Rapidan, Virginia
- Ed Harvey, 10078 Jacksontown Road, Somerset, Virginia
- Henry Lee Carter, 11536 Rapidan Road, Orange, Virginia
- Robert Foster, 10812 Millridge Lane, Spotsylvania, Virginia
- Robert Howard, 10813 Millridge Lane, Spotsylvania, Virginia
- Bob Johnson, 830 Eastover Parkway, Locust Grove, Virginia
- Kinsey Marable, 13121 Blue Ridge Turnpike, Somerset, Virginia
- Greg May, 7209 Rapidan Road, Rapidan, Virginia
- Peter Hujik, Gordonsville, Virginia
- Dan Holmes, Representative of the Piedmont Environmental Council
- Alice Muller, 14190 Blue Ridge Turnpike, Somerset, Virginia
- Resi Connell, 24195 Independence Road, Unionville, Virginia
- Barbara Culbert, 14201 Cox Mill Road, Gordonsville, Virginia
- Sally Pomfret, 16253 Marquis Road, Orange, Virginia
- Susanne Bromfield, 7085 Constitution Highway, Gordonsville, Virginia
- Terry Lohr, 24093 Monrovia Road, Orange, Virginia
- Henry Horner, Jr., 14400 Cox Mill Road, Gordonsville, Virginia
- Suzanne Bresee, Town of Orange, Virginia
- Penn Bresee, Town of Orange, Virginia
- Tom Payette, Rapidan, Virginia
- Merrill Strange, Gordonsville, Virginia
- Jason Capelle, 6315 Spotswood Trail, Gordonsville, Virginia
- Anne Snyder, 12574 Chicken Mountain Road, Orange, Virginia
- Steve Satterfield, 21041 Clarks Mountain Road, Rapidan, Virginia
- Teri Pace, 25485 Gooch Lane, Unionville, Virginia
- David Perdue, 9161 Liberty Mills Road, Somerset, Virginia
- Steve Yelton, Barboursville, Virginia
- Dan Gregg, Representative of Grelen Nursery
- Victor King, 15278 Cox Mill Road, Gordonsville, Virginia
- Marcia Landau, 14165 Marquis Road, Unionville, Virginia
- Melissa Zeller, 8398 Webb Road, Somerset, Virginia
- Rob Pitera, 10155 Rapidan Road, Orange, Virginia

- Ellen Pitera, 10155 Rapidan Road, Orange, Virginia
- George Yancey, 16170 Cox Mill Road, Gordonsville, Virginia
- Teddy and Emily Grennan, 13121 Blue Ridge Turnpike, Locust Grove, Virginia
- Marcia Hovenden, 1111 Lakeview Parkway, Locust Grove, Virginia
- James Collins, 12384 Merriewood Drive, Somerset, Virginia
- Virginia Donelson, 12384 Merriewood Drive, Somerset, Virginia
- Anthony Petralia, 28236 Sunnyside Road, Unionville, Virginia
- Don Skelly, 14184 Brookman Road, Somerset, Virginia
- Ellen Wessel, 10377 Little Skyline Drive, Orange, Virginia
- Betsy Brantley, 6086 Ridge Road, Somerset, Virginia
- Sarah Soderbergh, 6086 Ridge Road, Somerset, Virginia
- Jack Snyder, 12574 Chicken Mountain Road, Orange, Virginia
- Philip Schmidt, 14238 Marquis Road, Unionville, Virginia
- Zack Burkett, Unionville, Virginia
- David Heyl, 13480 Brookman Road, Somerset, Virginia
- Jay Billie, 12256 Montford Road, Orange, Virginia

There being no further speakers, Chairman Goodwin closed the Public Hearing at 9:31 p.m.

Members of the Board stated that they would like additional time to consider the information received during the Public Hearing.

Mr. Frame moved, seconded by Mr. White and carried, to table this matter until the December 17, 2013 Board of Supervisors' meeting.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mr. White and carried, to adjourn the meeting at 9:33 p.m. Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

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S. Teel Goodwin, Chairman

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Julie G. Summs, County Administrator