At a regular meeting of the Orange County Board of Supervisors held on Wednesday, November 13, 2013, beginning at 4:00 p.m., at the Lake of the Woods Clubhouse, 205 Lake of the Woods Parkway, Locust Grove, 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. Wilson and carried, to adopt the agenda as modified. 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: FY14 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations as presented:

| DEPARTMENT | ACCOUNT DESCRIPTION | AMOUNT | FUNDING SOURCE |
|---|---|---|---|
| Sheriff's Office | Repairs and Maint. - Other | $ 2,000.00 | Donations |
| Sheriff's Office | Police Supplies - K-9 | $ 3,295.00 | K-9 Donations |
| Sheriff's Office | Program Expenses | $ 469.66 | Forfeited Assets |
| Sheriff's Office | Program Expenses | $ 816.48 | Forfeited Assets |
| **Subtotal Sheriff's Office** | | **$ 6,581.14** | |
| Animal Shelter | Prof. Services - Emer. Vet | $ 1,233.00 | Donations |
| Animal Shelter | Prof. Services - Other Med. | $ 270.00 | Donations |
| **Subtotal Animal Shelter** | | **$ 1,503.00** | |

RE: SUPPLEMENTAL APPROPRIATION TO ORANGE COUNTY PUBLIC SCHOOLS

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

| FUND / PROGRAM | LINE ITEM | AMOUNT | FUNDING SOURCE |
|---|---|---|---|
| **Operating Fund** | | | |
| "Teaching Math in 21st Century" | 2205-51890301-57000 | $ 3,200.00 | Donations |
| Virginia Preschool Initiative | 2205-51891201-57000 | $ 11,016.00 | USDA Reimb. |
| **Subtotal Operating Fund** | | **$ 14,216.00** | |
| **Head Start Fund** | | | |
| Head Start / Early Head Start | 2210-59360001-55000 | $ 1,574.00 | Federal Grant |
| **Subtotal Head Start Fund** | | **$ 1,574.00** | |

| | | | | |
|---|---|---|---|---|
| **Regional Adult Education Fund** | | | | |
| Race to GED | 2226-54034401-53000 | $ | 916.00 | Grant |
| Adult Ed and Family Literacy | 2226-54024001-53000 | $ | 15,137.00 | Grants |
| State Lead Coordinating | 2226-58400201-55000 | $ | 38,305.00 | Grant |
| **Subtotal Regional Adult Education Fund** | | **$** | **54,358.00** | |

RE: SURPLUS DECLARATION OF LANDFILL PRESSURE WASHER

As detailed in the memorandum provided to the Board by Stephanie Straub, Procurement and Grant Coordinator, the Finance Department recently received a request from the Landfill to surplus the following piece of equipment, which was no longer operable or feasible to make operable:

- Excell Pressure Washer with hose and accessories

Ms. Straub noted that upon inspection and consultation with the Director of Public Works, it was agreed that the equipment should be handled in accordance with the County's Surplus Disposition Policy, Section 1.03, and staff requested that the Board declare the equipment surplus in order to dispose of it through a competitive process.

The Board declared the Landfill's Excell Pressure Washer as surplus and authorized the County Administrator to initiate its disposal in accordance with the Board-adopted Surplus Disposition Policy.

RE: RESOLUTION WAIVING SUBDIVISION REQUIREMENTS AND AUTHORIZING A SUBDIVISION OF THE LAND ACQUIRED FROM HELEN MARIE TAYLOR

The Board adopted the following resolution as presented:

RESOLUTION WAIVING SUBDIVISION REQUIREMENTS AND AUTHORIZING A SUBDIVISION OF THE LAND ACQUIRED FROM HELEN MARIE TAYLOR

WHEREAS, the County of Orange is purchasing a 1.364 acre parcel of land from Helen Marie Taylor to be used for the benefit of the Orange County Airport; and

WHEREAS, said 1.364 acre parcel is part of a larger parcel of land identified as Tax Map No. 45-4; and

WHEREAS, the purchase of said 1.364 acre parcel from Helen Marie Taylor requires a subdivision of Tax Map No. 45-4; and

WHEREAS, pursuant to §54-18 of the Orange County Code of Ordinances, the Board may waive the normal requirements for a subdivision where the subdivided property is dedicated to the Board; and

WHEREAS, the Board hereby finds that the requirements of §54-17 of the Orange County Code of Ordinances have been complied with;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby approve the subdivision of Tax Map No. 45-4 to permit the transfer of the 1.364 acre parcel of land from Helen Marie Taylor to the County of Orange.

RE: FIDELIS BILLING RECONCILIATION

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, staff was recently informed by Fidelis, the EMS billing vendor, that it was again time to recognize the revenue collected as compared to the bills produced. She reminded the Board that there were a large number of variables that could impact an EMS bill, such as in-County resident vs. out-of-County resident, Medicaid, insurance reimbursement amount, etc. Ms. Summs further noted that some amounts were mandated to be reduced by the Federal Government, while others were by local ordinance.

Ms. Summs stated that because of these variables, reconciliations were performed at the vendor level and the County was to acknowledge the revenue that was received and document the adjustments. She further explained that these reconciliations did not impact the County's budget in any way as it was not revenue anticipated to be received.

Ms. Summs noted that in previous years (FY06 - FY12), the County had acknowledged $2,036,915.06 in reconciliations. She added that at this time the Board needed to acknowledge $2,995,121.37 in billing adjustments from FY07 - FY12 in order to become current with Fidelis and the actual revenues received.

The Board acknowledged $2,995,121.37 in billing adjustments from FY07 to FY12 in order to reconcile actual revenues received to accounts receivable related to the County's Fidelis billing accounts.

RE: APPROVAL OF YOUTH COUNCIL MEMBERS

As detailed in the memorandum provided to the Board by Alisha Vines, Office on Youth Director, the Youth Council officers and staff recently completed the new member interview and selection process for the 2013 - 2014 school year. She requested that the Board appoint the selected individuals to serve on the Youth Council for the 2013 - 2014 school year.

The Board approved the following Youth Council members for the 2013 - 2014 School Year as listed below:

**8th Grade**
Dorianna Hill - PHMS
Courtney Yancey - PHMS

**10th Grade**
Emmet Aylor
Victoria Kessler
Regan McKay
Lindsay Myers
Heather Radcliffe
Baylee Rollins
Abigail Douthit

**Alternates**
Madison Barney - LGMS
Michael Carr - PHMS
Tessa Moore - LGMS
Avery McNamee - LGMS
Faith Morris - PHMS

**9th Grade**
Alexis Leman
Taylor Rollins

**11th Grade**
Kendall Bayless
Carrington Carey
Brandon Carr
Star Dodson
Shyaire Lewis
Kassidy Marshall
Kelly Shifflett
Zachery Swope
Eric DeLoriea

**12th Grade**
Samuel Kessler
Ann Mohrmann
Dana Morris
Kendall Thompson
Raleigh Wade

RE: MINUTES

The Board approved the following minutes:

- October 22, 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 November 2013 to Kenneth Yount, Solid Waste Collections Manager.

RE: BUSINESS SPOTLIGHT

Nash Hunsberger, Owner of Lakeside Title and Escrow, appeared before the Board to spotlight her business. She explained that she opened in 2010, and was located in the Twins Building in Locust Grove. Ms. Hunsberger stated that she had two employees and their area of experience was real estate, primarily title searches and insurance.

The Board thanked Ms. Hunsberger for her presentation.

RE: INTRODUCTION OF DOMINION VIRGINIA POWER EXTERNAL AFFAIRS REPRESENTATIVE

Ms. Susan King, External Affairs Representative with Dominion Virginia Power, introduced herself to the Board. She stated that her role was to serve as a liaison between Dominion and the County, in order to keep everyone informed and address any concerns. Ms. King explained that although she was new to the position, she had been with Dominion for 6.5 years in the Communications Division, and she look forward to working with the Board.

The Board thanked Ms. King for introducing herself, and indicated that they were happy to meet her.

RE: UPDATE ON TMDL PROJECT IN ORANGE COUNTY

Greg Wichelns, District Manager of the Culpeper Soil and Water Conservation District, updated the Board regarding the TMDL Project located in Orange County. He discussed the incentive program and grant process, and provided an update on residential septic systems and water quality testing.

Discussion ensued among the Board regarding: replacement of drain fields; number of cases assisted; needs in the region regarding water clean-up; water quality testing at Terry's Run and Pamunky; and grant funds for water quality testing.

The Board thanked Mr. Wichelns for his presentation.

RE: ANNUAL REPORT CARD ON THE ORANGE COUNTY HEALTH DEPARTMENT

Dr. Cee Ann Davis, Rappahannock-Rapidan District Health Department Director, appeared before the Board to present the 2013 Annual Report Card on the Orange County Health Department, which included information on the following topics:

- Patient and visit counts for FY 13;
- Applications and inspections for residential septic and food service establishments;
- Applications for sewage system repairs;
- Rabies cases throughout the region;

- Cases of reportable diseases throughout the County; and
- A report on the closure of the dental clinic portion of the Health Department.

Discussion ensued among the Board regarding: cases of tuberculosis; national and state trends in diseases; prevention activities to address the increase in sexually transmitted diseases; vaccine drills and public awareness; the closing of the dental clinic; funding levels and number of people served by the dental clinic; and health impact assessments for future planning purposes.

The Board thanked Dr. Davis for her presentation.

RE: PRESENTATION OF THE FIVE-YEAR FINANCIAL FORECAST

Glenda Bradley, Finance Director, presented the Five-Year Revenue and Expenditure Forecast, stating that this forecast was in no way a recommended budget, but that it provided a starting point for budget planning purposes. Topics of her presentation included: the purpose of the forecast; revenue forecast assumptions; revenue forecast for general property taxes; revenue forecast for other revenue sources; expenditure forecast assumptions; expenditure forecast by category; budget baseline; forecast results; and conclusions.

Discussion ensued among the Board regarding: comparable Compensation Board forecasts; insurance increases; increases based on the VRS Hybrid employees; recent rating review; delaying of CIP projects; and requests for new positions.

The Board thanked Ms. Bradley for her presentation.

RE: PUBLIC COMMENT

At 5:06 p.m., Chairman Goodwin opened the floor for public comment.

The following individuals spoke:

- Robert Cooke, resident of Lake of the Woods
- Howard Kierzewski, 30391 Catharpin Road, Mine Run, Virginia
- Stephen Loughman, Mine Run, Virginia
- Dan Holmes, representative of the Piedmont Environmental Council
- Jack Snyder, 12574 Chicken Mountain Road, Orange, Virginia

There being no further speakers, public comment was closed at 5:22 p.m.

RE: BOARD COMMENT

There were no Board comments at this time.

RE: ACTION ITEMS

RE: SUP 13-03 - PROPANE GAS TANK STORAGE FACILITY; TABLED FROM THE OCTOBER 22, 2013 MEETING

Gregg Zody, Planning and Zoning Director, provided an update to the Board on this SUP application since the Public Hearing had been held on October 22, 2013. He explained that Discount Propane, the original applicant, had been purchased by Revere Gas, and Revere Gas had signed off on the application and wished to continue as the new applicant. The Board had no questions for Mr. Zody.

Members of the Board posed questions to John Harkness, Fire and EMS Chief, regarding: a review of the fire safety analysis; the adequacy of the proposed gallons per minute of water flow; separation requirements for the proposed and existing tanks; NFPA Standards;

whether or not the current fire safety analysis adequately addressed the entire site; the process behind an independent fire safety analysis review; risks associated with the site; and hazmat and LP gas training.

Mr. Carlton Revere, Vice President of Revere Gas, introduced himself to the Board as the new SUP applicant. He provided a brief history of his company and offered to answer any questions the Board may have.

The Board asked the applicant questions regarding: training and retraining efforts of employees and haulers; an analysis of the first response; and safety mechanisms on the equipment.

Ms. Abbs moved, seconded by Mr. Frame and carried, to remove this item from tabled and open it for discussion.

Discussion ensued among the Board regarding: staff conditions for approval related to compliance; whether or not a fire safety analysis should be or had been performed for the other storage sites; and whether or not the staff conditions should include consideration of a cumulative effect of all the storage sites on the subject property.

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

ORDINANCE OF APPROVAL

SUP 13-03: PROPANE GAS TANK STORAGE FACILITY FOR REVERE GAS

WHEREAS, Scott Pattillo, on behalf of Discount Propane Services, 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, pursuant to Section 70-543(1) of the Orange County Zoning Ordinance; and

WHEREAS, the Orange County Board of Supervisors approved SUP 03-08 on November 12, 2003, to allow Quarles Energy Services to install a propane gas tank storage facility on the same property; and

WHEREAS, the Zoning Ordinance does not prohibit multiple Special Use Permits on a single property; and

WHEREAS, the Department of Planning and Zoning recommended approval of this Special Use Permit request, subject to certain conditions; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Special Use Permit request on August 1, 2013; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit, as conditioned, would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the Agriculture land use designation in the Comprehensive Plan, and, as such, recommended approval of the request to the Board of Supervisors; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Special Use Permit request on October 22, 2013, at which time they voted to table a decision on the request until the November 13, 2013 meeting; and

WHEREAS, in late October, 2013, the County learned that Discount Propane Services, the original applicant, had been purchased by Revere Gas, and Carlton Revere, Vice President, has provided written notice of his intent to continue as the SUP applicant and has agreed to the conditions and fees associated with the application; and

WHEREAS, after further deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 13-03 for Tax Map No. 50-05 for a Special Use Permit to allow for a propane gas tank storage facility for Revere Gas, subject to the four (4) conditions as set forth in the attachment.

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

**Ord. No. 131113 – 7A**

**SUP 13-03: Revere Gas**

*For a propane gas tank storage facility*

*Tax Map No. 50-05*

**November 13, 2013**
**As approved by the Board of Supervisors**

**<u>Staff Conditions for Approval</u>**

The conditions of this Special Use Permit ("SUP") shall apply to the property identified on County Tax Map 50 as Parcel 5 ("Parcel 50-5"), more specifically, the area of the property leased to, or otherwise utilized by, the applicant. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed development, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived, or otherwise specified in these conditions.

1. <u>Controlling documents</u> – Controlling documents shall be the conditions as set forth herein and the documents as submitted with the application.

2. <u>Compliance</u> – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine "substantial conformance." The business owner shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, zoning permits, and erosion and sediment control permits.

   The business owner shall be responsible for complying with all local, State, and Federal laws and regulations that are applicable to the business.

3. Uses – This SUP shall permit the operation of a propane gas tank storage facility as generally shown on the site plan submitted with the application. Approval of this SUP shall not void or otherwise invalidate the existing SUP (#03-08) on the property.

4. Performance Standards –
   1) There shall be no freestanding sign(s) permitted for the site and/or use, in order to maintain consistency with other sites on the property.

   2) Land clearing activity shall not occur beyond what is reasonable to install the site as shown on the submitted site plan, or any succeeding site plan to be submitted.

   3) The County shall conduct an inspection of the existing stormwater detention pond on the site to ensure it is in a properly-maintained state, per comments provided by CSWCD and as otherwise required by the stormwater facility maintenance agreement on file with the County.

RE: RECESS FOR DINNER
The Board recessed for dinner at 5:45 p.m.

RE: RECONVENE
The Board reconvened at 7:00 p.m.

RE: PUBLIC HEARING #1
Matt Benefield, Director of Budget and Finance for Orange County Public Schools, explained that this request was to carry-forward unspent funds from the FY13 fiscal year in order to complete several ongoing capital and operational projects and to fund two additional capital projects from FY13 operational savings. The Board had no questions for Mr. Benefield.

At 7:05 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

**PROPOSED SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT:** In accordance with §15.2-2507 of the Code of Virginia, the Orange County Board of Supervisors will hold a public hearing on a proposed budget amendment and supplemental appropriation for certain on-going and additional capital projects and operational expenses. The School Board has submitted a request to carry-forward unspent funds from the FY13 fiscal year to complete several ongoing capital and operational projects and to fund two additional capital projects from FY13 operational savings.

The following individuals spoke:
- Mary Beth Roland, 35133 Sara Court, Locust Grove, Virginia
- Tracy Harrington, Resident of Lake of the Woods
- Simon Grai, 304 Freedom Road, Locust Grove, Virginia

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

Discussion ensued among the Board regarding: whether or not the carry-forward funds would be approved for specific line items; the $250,000 related to opening the new school; multi-year carry-forward funds related to Master Planning projects; and whether or not the funds would be expended as listed in the proposed resolution.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adopt the following resolution:

RESOLUTION APPROVING BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION FOR THE SCHOOL OPERATING FUND

WHEREAS, the School Board has submitted a request to carry-forward unspent funds from the FY13 fiscal year to complete several ongoing capital and operational projects, and to fund two additional capital projects from FY13 operational savings; and

WHEREAS, the appropriate advertisements and public hearings, as required by Section 15.2-2507 of the Code of Virginia, have been conducted; and

WHEREAS, the proposed capital projects and operational expenditures are expected to be completed during FY14 and a balance of $178,309 is already appropriated in the County's Capital Project Fund;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2014 budget amendment, and appropriates all funds as set forth in the amendment below:

**PROPOSED SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT FOR ORANGE COUNTY, VIRGINIA**

| **School Operating Funds** | **Current** | **Proposed** | **Amendment** |
|---|---|---|---|
| **Revenues:** | | | |
| Transfer from General Fund | $ 18,952,326.00 | $ 20,608,302.00 | $ 1,683,960.00 |
| Commonwealth | 24,449,313.00 | 24,449,313.00 | - |
| Federal | 4,159,131.00 | 4,159,131.00 | - |
| Other | 1,264,808.00 | 1,264,808.00 | - |
| Reserves | 680,554.00 | 680,554.00 | - |
| Transfers from Other Funds | 461,102.00 | 461,102.00 | - |
| **Schools Total Revenue** | **$ 49,967,234.00** | **$ 51,623,210.00** | **$ 1,683,960.00** |
| **Expenditures:** | | | |
| School Operating Fund | $ 44,862,504.00 | $ 46,518,480.00 | $ 1,683,960.00 |
| Child Care Fund | 140,630.00 | 140,630.00 | - |
| School Cafeteria Fund | 1,916,757.00 | 1,916,757.00 | - |
| School Headstart Fund | 1,172,013.00 | 1,172,013.00 | - |
| School Adult Education Fund | 364,228.00 | 364,228.00 | - |
| School Textbook Fund | 1,050,000.00 | 1,050,000.00 | - |
| Transfers to Other Funds | 461,102.00 | 461,102.00 | - |
| **Schools Total Expenditures** | **$ 49,967,234.00** | **$ 51,623,210.00** | **$ 1,683,960.00** |
| **County General Fund** | **Current** | **Proposed** | **Amendment** |
| **Revenues:** | | | |
| Local Sources | 44,748,608.00 | 44,748,608.00 | - |
| Commonwealth | 8,704,764.00 | 8,704,764.00 | - |

| | | | |
|---|---|---|---|
| Federal Government | 10,734.00 | 10,734.00 | - |
| General Fund Reserve & Transfers In | 1,185,719.00 | 2,691,370.00 | 1,505,651.00 |
| **General Fund Total Revenues** | **$ 54,649,825.00** | **$ 56,155,476.00** | **$ 1,505,651.00** |
| | | | |
| **Expenditures:** | | | |
| General Government Administration | $ 3,152,054.00 | $ 3,152,054.00 | $ - |
| Judicial Administration | 1,549,901.00 | 1,549,901.00 | - |
| Public Safety | 10,623,573.00 | 10,623,573.00 | - |
| Public Works | 930,969.00 | 930,969.00 | - |
| Health & Welfare | 3,443,423.00 | 3,443,423.00 | - |
| Education | 10,460.00 | 10,460.00 | - |
| Parks, Recreation & Culture | 1,233,227.00 | 1,233,227.00 | - |
| Community Development | 1,076,516.00 | 1,076,516.00 | - |
| Non-Departmental | 385,264.00 | 385,264.00 | - |
| Transfers to Other Funds | 32,244,438.00 | 33,750,089.00 | 1,505,651.00 |
| **General Fund Total Expenditures** | **$ 54,649,825.00** | **$ 56,155,476.00** | **$ 1,505,651.00** |

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

RE: PUBLIC HEARING #2

Gregg Zody, Planning and Zoning Director, presented the proposed text amendments to the Orange County Zoning Ordinance regarding definitions and permitted uses for Accessory Apartment, Offices / Office Buildings, and Vocational Training Facilities. He explained that the Planning Commission held a Public Hearing on the proposed text amendments and recommended approval to the Board. The Board had no questions for Mr. Zody.

At 7:18 p.m., Chairman Goodwin called the Public Hearing to order to receive comments on the following:

**PROPOSED AMENDMENTS TO ARTICLES 1 AND 4 OF THE ORANGE COUNTY ZONING ORDINANCE:** Establishment of the definition and permitted uses for Accessory Apartment, Offices / Office Buildings, and Vocational Training Facilities.

The following individual spoke:

- Vicki Barnhill, 15485 Hardwick Mountain Drive, Gordonsville, Virginia

There being no further speakers, Chairman Goodwin closed the Public Hearing at 7:19 p.m.

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

AMENDMENTS TO ARTICLES 1 AND 4 OF THE ORANGE COUNTY ZONING ORDINANCE
CONCERNING DEFINITIONS AND PERMITTED USES

WHEREAS, the Board of Supervisors previously initiated zoning text amendments to Articles 1 and 4 of the Orange County Zoning Ordinance concerning definitions and permitted uses; and

WHEREAS, the Planning and Zoning Director drafted recommended language for the zoning text amendments; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on October 3, 2013, to receive public comment regarding the proposed amendments; and

WHEREAS, after discussing the proposed amendments, and considering comments received during the Public Hearing, the Planning Commission recommended approval of the proposed amendments to the Orange County Board of Supervisors; and

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

WHEREAS, this Board has conducted a duly advertised Public Hearing on November 13, 2013, concerning the proposed revisions, and hereby supports the proposed revisions;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors does hereby adopt the proposed zoning text amendments to Articles 1 and 4 of the Orange County Zoning Ordinances, as attached, concerning definitions and permitted uses for *Accessory Apartment*, *Office / Office Building*, and *Vocational Training Facility*.

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

**Revised Ordinance Text**

ACCESSORY APARTMENTS
Section 70-1. Definitions. *Accessory Apartment* means an accessory residential use of less than 600 square feet or 25% of the floor area of the principal residential structure, whichever is less, contained within a private garage, an accessory structure (such as a cottage or carriage house), or within the principal residential structure. The accessory apartment shall be served by a water supply and sewage disposal system approved by the Virginia Department of Health. There shall be no more than one such apartment per lot of record.

Section 70-302. Permitted uses. (Agricultural District)
(10) Accessory Apartment

Section 70-332. Permitted uses. (Limited Residential District)
(6) Accessory Apartment

OFFICES / OFFICE BUILDINGS
Section 70-1. Definitions. *Office* means an establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services.

*Office Building* means a structure containing multiple office uses.

Section 70-482. Permitted uses. (General Commercial)
(3) Office/Office Building.

Section 70-512. Permitted uses. (Limited Industrial)
(4) Office~~s~~/Office Building.

Section 70-542. Permitted uses. (General Industrial)
(7) Office/Office Building.

VOCATIONAL TRAINING FACILITIES
Section 70-1. Definitions. *Vocational Training Facility* means a school providing education and/or training for a specific occupation, business, trade, or profession. Offices and classroom facilities are by right,

where permitted. Other facilities are permitted with a Special Use Permit. This classification excludes establishments providing training for a use that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. Privately operated and/or owned military-oriented training facilities or uses of a similar private military-style training (paramilitary) nature are not permitted in any zoning district.

Section 70-482. Permitted uses. (General Commercial)
(4) Vocational Training Facility.

Section 70-512. Permitted uses. (Limited Industrial)
(5) Vocational Training Facility.

Section 70-542. Permitted uses. (General Industrial)
(8) Vocational Training Facility.

RE: ACTION ITEMS (Continued)

RE: REQUEST TO INITIATE PLANNING COMMISSION ACTION ON PROPOSED TEXT AMENDMENTS FOR DIGITAL FUEL SIGNS AND COMMERCIAL KITCHENS

Gregg Zody, Planning and Zoning Director, presented two proposed text amendments to the Board for discussion and consideration to initiate Planning Commission Action.

Mr. Zody explained that the first proposed text amendment concerned the addition of digital fuel signs into Section 70-701(c). He noted that currently, the Zoning Ordinance permitted only one digital sign per development, and staff had drafted language that would allow additional digital signage for fuel prices. Mr. Zody further noted that the Planning Commission reviewed the proposal at their October 17, 2013, meeting per the Board's instructions, and their changes were minimal and were noted in the proposed amendment.

Mr. Zody stated that the second proposed text amendment concerned the addition of a use definition for "Commercial Kitchen / Smokehouse" and the inclusion of said use into Section 70-302 (Agricultural permitted uses), which would allow the preparation and storage of food for off-site sales and consumption.

Mr. Zody noted that staff recommended that the Board initiate Planning Commission action on both these amendments.

Discussion ensued among the Board regarding: whether or not the second proposed amendment would allow catering services; signage issues or requirements that could be created with the proposed amendments; not having customers onsite; not allowing a commercial enterprise; the lack of size requirements; and how to prevent large enterprises from being allowed to operate in the Agricultural district.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to adopt the following resolution:

RESOLUTION TO INITIATE PLANNING COMMISSION ACTION ON AMENDMENTS TO SECTIONS 70-701(C) AND 70-302 OF THE ORANGE COUNTY CODE OF ORDINANCES REGARDING DIGITAL FUEL SIGNS AND COMMERCIAL KITCHENS

WHEREAS, the Board of Supervisors desires to consider amendments to Sections 70-701(c) and 70-302 of the Orange County Code of Ordinances with respect to digital fuel signs and commercial kitchens; and

WHEREAS, in order to accomplish said goal, staff has drafted and recommended changes to the Code of Ordinances; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support initiation of these amendments for consideration;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby initiate amendments to Sections 70-701(c) and 70-302 of the Orange County Code of Ordinances regarding digital fuel signs and commercial kitchens, and requests that the Planning Commission advertise, hold a public hearing, and make a recommendation to the Board of Supervisors on the proposed amendments; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors reserves the right to schedule its public hearing on the proposed amendments to Sections 70-701(c) and 70-302 of the Orange County Code of Ordinances after receipt of a recommendation from the Planning Commission and at a date deemed appropriate by the majority of the Board.

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

RE: ADJUSTMENT TO RESERVES FOR SELF-FUNDED INSURANCE

Glenda Bradley, Finance Director, explained that on August 13, 2013, the Board of Supervisors authorized the County to pay a fixed monthly fee for self-funded insurance with a settlement to take place annually at the end of each year, with the understanding that following an evaluation of the monthly payments and reserves, a decision would be made at a later date regarding whether Anthem or the County would hold the excess reserves.

Ms. Bradley stated that during the last few weeks, staff learned that Anthem Dental did not offer this arrangement as an option and that the County would need to pay administration fees monthly along with the actual claims, leaving any reserves to accumulate in the County's Self-Insurance Fund. She noted that in the interest of consistency and in order to minimize confusion, staff was requesting that the Board authorize the County to fund the health insurance plan in the same fashion by paying actual claims on a monthly basis, rather than paying an estimated rate to Anthem and awaiting the return of any remaining reserves. Ms. Bradley further noted that by paying the actual claims, the County would be able to earn interest on any reserves and the funds would accumulate in a separate internal fund for future claims and/or to potentially offset future premium increases.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize the County to self-fund health and dental insurance by establishing an internal service fund from which all administration fees and actual claims would be reimbursed to the insurance carrier for the County, Social Services, and the Schools.

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

RE: PURCHASE OF AN AMBULANCE

Julie Summs, County Administrator, explained that over the past several budget years, the purchase of additional vehicles for the Fire and Rescue fleet had been delayed due to difficult budget decisions and funding priorities. She noted that the condition of the fleet had since declined and was currently in dire need of vehicle replacement as there were a number of mechanical problems with several of the County's ambulances and, at this time, it was necessary to purchase a new ambulance for use by County staff.

Ms. Summs estimated that the cost for this purchase was about $250,000 and staff suggested using funds from the Excess Stability Reserve within the General Fund, which currently exceeded the Board's target balance of 18% of General Fund and School Operating Fund expenditures, when adjusted for transfers.

Mr. Frame moved, seconded by Mr. White and carried, to authorize the purchase of an ambulance for the County's Fire and Rescue Fleet in an amount not to exceed $250,000, and to appropriate monies from the General Fund balance from the Excess Stability Reserve.

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

RE: ADDITIONAL PUBLIC COMMENT PERIODS FOR ROUTE 3 INITIATIVE

Julie Summs, County Administrator, stated that in June, 2013, in response to the desire to provide an opportunity for public comment, the Board of Supervisors established the following public comment periods related specifically to the Route 3 Strategic Visioning Initiative:

- Tuesday, June 25, 2013;
- Tuesday, August 13, 2013; and
- Tuesday, September 24, 2013.

Ms. Summs explained now that the Joint Retreat had taken place, and an additional quarterly meeting had been held, staff was proposing to establish three (3) more public comment periods to take place at upcoming Board of Supervisors meetings. She further explained that these public comment periods were proposed to be scheduled after the dinner break on the following dates:

- Tuesday, December 3, 2013;
- Tuesday, January 28, 2014; and
- Tuesday, February 25, 2014.

Discussion ensued among the Board regarding: how to provide information to the public regarding the Initiative; ways to address public comment periods in the Route 3 Communication Plan, which was a task of the Steering Committee; how the dates were selected; whether or not the Board should request input on specific topics during these comment periods; and a request to list what specific topic the Board was seeking input on.

Mr. Frame moved, seconded by Mr. White and carried, to schedule additional Public Comment Periods after the dinner break on the meeting dates listed below in order to allow for public input specific to the Route 3 Strategic Visioning Initiative, while also seeking input on the specific topics advertised:

- Tuesday, December 3, 2013 - Parks and Recreation Opportunities;
- Tuesday, January 28, 2014 - Suggestions for the February Charette; and
- Tuesday, February 25, 2014 - Follow-up from the February Charette.

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

RE: SUPPLEMENTAL APPROPRIATION FOR THE COUNTY ADMINISTRATOR'S FAREWELL RECEPTION

Mr. Frame moved, seconded by Mr. White and carried, to authorize a supplemental appropriation in the amount of $1,000 to the County Administration budget from the Contingency Fund for the County Administrator's Farewell Reception.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

RE: APPOINTMENT TO ECONOMIC DEVELOPMENT AUTHORITY FOR THE TOWN OF ORANGE REPRESENTATIVE

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to appoint Ms. Hanna Kappes as the Town of Orange Representative on the Economic Development Authority, filling the four-year unexpired term of Brian Gibson, with said term commencing immediately and expiring on December 31, 2014.

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

RE: DISCUSSION ITEMS

RE: UPDATE ON STORMWATER MANAGEMENT PROGRAM

Gregg Zody, Planning and Zoning Director, provided the Board with an update on the development of the Stormwater Management Program. His updated included the following:

- Staff met with the Culpeper Soil and Water Conservation District (CSWCD) on August 19, 2013, to discuss suggested revisions to the County's draft Stormwater Management Program (SMP), which incorporated low-impact development (LID) components and provided guidelines for LID calculations in the Appendix;
- Staff submitted the draft ordinance to the County Attorney for legal review on October 18, 2013, with regulatory crosswalks (moving regulatory citations from DCR to DEQ) and LID components incorporated;
- Staff met with CSWCD and RRRC staff on October 25, 2013, to review suggested changes to Erosion and Sediment Control forms to incorporate SMP submittal requirements; and
- For all intents and purposes, the County must have a preliminary final package prepared by December 15, 2013. The most important element to have completed by then would be a final draft ordinance for review by DEQ. The ordinance is not required to be adopted by the Board at that time because DEQ has to review it for compliance with State Code. As part of the package, staff recommended incorporating LID standards, which will be drafted by staff for the Board's consideration.

Discussion ensued among the Board regarding: an example of LID components at the dialysis center; being sure to offer enough information for property owners to make decisions; optional components versus mandatory requirements; the ability to consider the site; and posting the information on the County's website for public review.

RE: OPTIONS FOR FIRE AND EMS FLEET STUDY

John Harkness, Fire and EMS Chief, explained that during a recent Board of Supervisors meeting, the Barboursville Volunteer Fire Department requested funding from the County to support the purchase of a new piece of fire apparatus. He stated, at the direction of the Board, he was requested to find an agency to conduct a third party review of the County's current emergency vehicle fleet.

Chief Harkness noted that he approached the Virginia Department of Fire Programs (DFP) about conducting a fleet review for Orange County, but in order for them to consider such a review, the County would need to make a written request by November 15, 2013. He explained that once DFP received the request, it would be forwarded to the Virginia Fire Board (VFB) for their consideration during their December meeting. Chief Harkness further explained that although DFP had never conducted a study of this nature, there was a very good possibility they would agree to do so at no cost.

Chief Harkness explained that another option was for the Board to request a full study from DFP of the County's current Fire and EMS System, as there had been many changes to the System since the last study was done. He further explained that the fleet study would be included in the full study, which could also be used to develop a strategic plan for the County's Fire and EMS System and would be completed at no cost as well.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize staff to draft a letter to the Virginia Department of Fire Programs requesting that they complete a full study of the County's current Fire and EMS System.

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

RE: LANDFILL HOURS FOR THANKSGIVING HOLIDAY

Julie Summs, County Administrator, explained that this Thanksgiving, the County would be closed beginning at 12:00 p.m. on Wednesday, November 27, 2013, and would remain closed through Friday, November 29, 2013. She reminded the Board that the Landfill and Collection Sites were regularly scheduled to be closed on Wednesdays; however, with the holiday closing for Thanksgiving on Thursday and Friday, the Landfill and Collection Sites would be closed for three (3) consecutive days.

Ms. Summs stated that staff was seeking input from the Board on whether or not there was interest in opening the Landfill and Collection Sites for part or all of Friday and providing the requisite funds to do so.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to adjust the operating hours of the Landfill and Collection Sites to include being open on Friday, November 29, 2013, despite being a County holiday, and to appropriate the requisite funds necessary to pay the affected employees.

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

RE: FEE DONATION REQUEST FROM ORANGE COUNTY FAIR ASSOCIATION

Julie Summs, County Administrator, presented a letter to the Board from Daniel Lohr, President of the Orange County Fair Association, requesting a fee donation for Landfill tipping fees associated with the 2013 Orange County Fair. She explained that the Orange County Fair had already taken place and the Fair Association had already been billed for the Landfill tipping fees, but would like the Board to consider a fee donation equal to the amount already billed, for a total of $184.60. She further explained that in the FY 2014 budget, there was approximately $3,730 remaining in the Refunds by Supervisors line item.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve a fee donation request for the Orange County Fair Association for Landfill tipping fees associated with the 2013 Orange County Fair in the amount of $184.60 using funds from Line Item 49210001-45650 (Refunds by Supervisors) from the FY 2014 budget.

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

RE: BOUNDARY ADJUSTMENT REQUEST FROM CIVIL WAR TRUST

Julie Summs, County Administrator, presented a letter to the Board from O. James Lighthizer, President of the Civil War Trust, requesting that the Board of Supervisors consider a "minor boundary adjustment" to include preserved properties at the Wilderness Battlefield in Orange County.

Ms. Summs reported that the Civil War Trust estimated Orange County would lose approximately $382.32 annually for the affected portion of Tax Map No. 24-11C, and for that reason, they offered a one-time donation to the County in the amount of $5,000.

Ms. Summs noted that if the Board was interested in pursuing the boundary adjustment, the Civil War Trust was seeking a letter from the County Administrator indicating the County's support.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve the request from the Civil War Trust regarding the boundary adjustment to Tax Map No. 24-11C, and to accept the one-time $5,000 donation while requesting that any fees associated with surveys, plats, recordation, and filing also be paid by the Civil War Trust.

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

RE: CONVEYANCE OF PROPERTY WITH WATER TOWERS

Supervisor Frame expressed interest in conveying the tank, water tower, and the other water infrastructure at the school and Lake of the Woods over to the Rapidan Service Authority (RSA) so that they may become responsible for the maintenance of the infrastructure.

Mr. Frame moved, seconded by Mr. Wilson and carried, to authorize staff to begin the process necessary in order to transfer ownership of the property with the water towers to Rapidan Services Authority.

Ayes: Abbs, White, Wilson, Frame. Nays: Goodwin.

RE: MASTER PLANNING CHARETTE

Julie Summs, County Administrator, stated that at the recent Joint Meeting, a discussion took place regarding holding a Master Planning Charette in February, 2014, for the purpose of furthering efforts on the Route 3 Strategic Visioning Initiative. She noted that she had communicated with several vendors regarding a proposal for the Charette, and she was seeking approval from the Board at this time to fund the Charette. Ms. Summs further noted that there would be a process in place to select a vendor and involve the Steering Committee along the way.

Discussion ensued among the Board regarding: setting a ceiling on the spending; the potential price; and the fact that the overall cost would depend upon the number of exhibits and the intended outcomes and accomplishments.

Mr. Frame moved, seconded by Mr. White and carried, to authorize the County Administrator to proceed with procuring a Master Planning Charette related to the Route 3 Strategic Visioning Initiative anticipated to be held in February, 2014, in an amount not to exceed $20,000.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report for September
- Office on Youth Quarterly Report
- Finance Quarterly Report
- State Holiday Schedule for 2014

RE: COMMITTEE REPORTS

The Board received the following Committee Reports for its information:

- July 18, 2013 Rapidan Service Authority Minutes

RE: CALENDAR

The Board received copies of its calendar for the months of November and December 2013 and January 2014.

RE: SCHEDULE THE ANNUAL DINNER AT DOGWOOD VILLAGE

By consensus, the Board scheduled the annual dinner at Dogwood Village on Tuesday, December 17, 2013 at 6:00 p.m.

RE: ADJUST START TIMES FOR DECEMBER 2013 BOARD OF SUPERVISORS MEETINGS

Mrs. Abbs moved, seconded by Mr. Frame and carried, to adjust the start time of both the December 3, 2013, Board of Supervisors meeting and the December 17, 2013, Board of Supervisors meeting to 3:00 p.m., instead of 4:00 p.m. and 5:00 p.m. respectively.

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

RE: CLOSED MEETING

At 8:20 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 matters:

- One (1) matter concerning the discussion of personnel, which concerns a specific employee. - *§2.2-3711(A)(1) of the Code of Virginia*;
- One (1) matter of discussion of acquisition of real property for a public purpose where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - *§2.2-3711(A)(3) 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), (A)(3), 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 aforestated matters in Closed Meeting.

Mrs. Abbs moved, seconded by Mr. Frame 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 8:53 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: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 8:54 p.m. Ayes: Abbs, White, Goodwin, Wilson, Frame. Nays: None.

_____

S. Teel Goodwin, Chairman

_____

Julie G. Summs, County Administrator