

BOARD OF SUPERVISORS MINUTES

December 18, 2012

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, December 18, 2012, 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; and James K. White. Absent: Shannon C. Abbs and Grover C. Wilson. Also present: Julie G. Summs, County Administrator; Thomas E. Lachenev, 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: White, Goodwin, Frame. Nays: None. Absent: Abbs, Wilson.

RE: CONSENT AGENDA

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

RE: CHANGE IN POSITION CONTROL AND CLASSIFICATION FOR OFFICE ON YOUTH CHILD CARE

As detailed in the memorandum provided to the Board by Alisha Vines, Office on Youth Director, she explained that after reviewing the staffing levels for both school age child care programs, she and the Site Directors felt that in order to better serve the children and families, staffing changes in Position Control and Position Classification needed to be made.

Ms. Vines noted that, under the current Position Control, Gordon Barbour Child Care had three (3) Lead Teacher positions, two (2) of which were currently vacant. She further noted that the two (2) vacant positions were the ones that Office on Youth would like to reclassify as follows:

<u>Current Position Title, Site, & Grade</u>	<u>New Position Title, Site, & Grade</u>
Lead Teacher #2 at GBES; Grade 8	Teacher #2 at GBES; Grade 3
Lead Teacher #3 at GBES; Grade 8	Teacher Assistant at OES; Grade 1

Ms. Vines indicated that there would be no need to allocate any new funding as both positions would be downgraded and were budgeted at the Grade 8 level during the FY13 budget process. She added that the child care programs were required to cover all expenses with their weekly fees and both sites were currently meeting that requirement.

The Board accepted the proposed change to the Office on Youth Child Care staff Position Control and Position Classification.

RE: CHANGE IN POSITION CONTROL FOR SHERIFF'S DEPARTMENT

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, she and Mike LaCasse, Chief Deputy for the Sheriff's Office, discussed the temporary change in Position Control to allow for one (1) additional patrol deputy, in order to facilitate the proper evaluation of staff before making an internal promotion to Sergeant.

Ms. Summs noted that the Sheriff's Office wished to reserve the vacant Sergeant's pay and position until a promotion was made from within in the Spring or Summer of 2013. She further noted that the request ensured the full complement of patrol deputies while the vacancy in the Sergeant's position existed.

Ms. Summs stated that when a promotion to Sergeant was granted, the number of patrol deputies would be reduced to match that of the approved and budgeted Position Control for FY13, and the two (2) Sergeant positions would be filled as the existing Position Control dictated.

Ms. Summs concluded by noting that this temporary change in Position Control would require no additional funding and would actually save funding in the time it took for Chief Deputy LaCasse and Sheriff Amos to evaluate staff and offer a promotion to Sergeant.

The Board accepted the proposed temporary change to the Sheriff's Office Position Control to allow for the temporary expansion of the number of patrol deputies until such time a patrol deputy was promoted to fill the vacancy in the sergeant position. At no time would the total number of patrol deputies/sergeants exceed the total number of positions as indicated in the FY13 Position Control document.

RE: MINUTES

The Board approved the following minutes:

- November 27, 2012 Joint Meeting with Orange Town Council
- December 4, 2012 Regular Meeting

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

RE: JOINT MEETING WITH SCHOOL BOARD

RE: PRESENTATION FROM ABM, PERFORMANCE CONTRACTING FIRM FOR ORANGE COUNTY PUBLIC SCHOOLS

Dan Dowell, representative from ABM, gave a PowerPoint presentation to the Board that included information on the following: agenda; performance contracting advantages; savings methodology; cost centers associated with operating a building; and financial solutions. Justin Brewer, representative from ABM, continued the presentation, providing information on specific enhancements and projects as well as system-wide enhancements that would be performed as part of the Performance Contracting.

Discussion ensued among the Boards regarding: changes in operating schedules of the school buildings; retro-commissioning; energy savings; weatherization; controls systems and set up; energy usage; alarm systems; percentage of savings relative to \$400,000 estimate; electricity demands; and managing the electricity demand peak.

Doug Arnold, Coordinator of Facilities with Orange County Public Schools, reviewed savings throughout the upcoming years of the Capital Improvement Plan (CIP) budget under the Performance Contracting.

Discussion ensued among the Boards regarding: savings in maintenance costs; energy savings; the ability to use maintenance personnel in other areas; replacement costs and timeframes; and storage tanks and ownership.

Mr. Dowell continued his presentation, providing information on the financial benefits and the structure of the Performance Contracting agreement.

Discussion ensued among the Boards regarding: guaranteed results; the selection process and the criteria for selecting vendors; and the role of the Department of Mines, Minerals, and Energy.

Glenda Bradley, Finance Director, reviewed the information provided by Davenport earlier in the year, which included: debt rating for agencies; the assignment of debt even with the non-appropriation clause; the lease as part of the calculation of debt capacity; and the inability to acquire additional funding until 2017 without exceeding the 15% debt ratio further than the Board intended; and the lack of availability of debt capacity if the lease was executed.

Discussion ensued among the Boards regarding: the debt associated with the nursing home and how it affected the credit rating; the two (2) years of nursing home debt payments held in escrow; years of demonstrated payments from the nursing home; how the County would fund the cost of the intended projects without Performance Contracting; how the debt was viewed according to credit agencies; the legality of the Schools borrowing this money; the effect of Performance Contracting on County projects and borrowing; and the scope of the projects and timelines.

Additional discussion ensued regarding: whether or not Davenport needed to make their presentation again, or attend a meeting to answer questions; the desire to keep the Schools' timeline in mind without rushing a decision; next steps; the effect on the timeline from a delayed decision; and the delay in the first debt payment.

By consensus, the Board deferred further discussion and action on the Performance Contracting until their next meeting on January 8, 2013, at which time the Board requested that an item be scheduled on the agenda.

The Board adjourned their Joint Meeting with the School Board at 6:39 p.m.

RE: 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 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 COMMENT

At 7:43 p.m., Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor White provided information regarding an upcoming meeting on the discussions surrounding "white space" internet.

Chairman Goodwin stated that he was thankful for his time as Chairman over this last year, and he indicated his interest in continuing to serve as Chairman next year, as most of the priorities were on a two-year cycle.

RE: ACTION ITEMS

RE: REQUEST FROM NATIONAL PARK SERVICE

Mr. Frame moved, seconded by Mr. White and carried, to oppose the request from the United States Department of the Interior National Park Service regarding a proposed Minor Boundary Revision of the Fredericksburg and Spotsylvania National Military Park.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Bill Hagar as the District Three representative to the Economic Development Authority, for a four-year term, with said term expiring on December 31, 2016. Mr. Hagar was appointed to replace Lloyd "Doc" Garnett, who was serving in this capacity, but was unable to continue serving.

RE: DISCUSSION ITEMS

RE: JOINT PLANNING AREA WITH TOWN OF ORANGE

Discussion ensued among the Board regarding: the reinstatement of the Joint Planning Area (JPA); infrastructure; steps to reinstatement; an initial charter; members; and what the plan and purpose of the JPA would be.

By consensus, the Board agreed to have the Board and Town Liaisons along with staff meet to discuss a charter and purpose regarding the consideration of the reinstatement of a Joint Planning Area with the Town of Orange.

RE: UPDATE ON CDBG PLANNING GRANT

Karen Epps, Economic Development Director, provided an update on the status of the CDBG Planning Grant, noting that a list of items to be completed was provided as part of the letter from the Department of Housing and Community Development. Ms. Epps stated that the items contained in the list were not as cumbersome as initially thought. She also explained that the engineer on retainer could be used as the housing specialist and the second management meeting still needed to be held.

Discussion ensued among the Board regarding: the purpose of the public management meeting; the total cost of the project; how much money was available through the grant; easement acquisition; the number of homes to be served; LMI homes; whether or not the County should proceed with the grant; phasing the construction of the project; and ownership of the infrastructure.

By consensus, the Board requested that staff contact the Department of Housing and Community Development (DHCD) regarding utilization of the CDBG Planning Grant funds to construct the Route 20 sewer project in phases, and to contact the Town of Orange to receive feedback on any potential commitment from them regarding participation or funding of the project.

RE: CHANGES TO PREVIOUS SPECIAL USE PERMITS (SUP)

Discussion ensued among the Board regarding: the ordinance change after the original Liberty Mills SUP; by-right uses; the requirement for on-site grown products; using the same language for all farm stand related SUPs; the perception that some applicants were treated unfairly; and whether or not the SUP took precedence over the ordinance. The Board agreed that some action needed to be taken in order to provide certainty, but questioned whether or not it could be made clear and consistent with a letter, or if the SUP needed to be amended.

By consensus, the Board requested that an item be placed on the January 8, 2013, agenda in order to discuss the process regarding changes to recent farm stand related Special Use Permit (SUP) applications that had been previously approved by the Board of Supervisors.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Letter from New Hope Baptist Church Regarding Tax Exemption

Mr. Frame moved, seconded by Mr. White and carried, to schedule a Public Hearing on January 22, 2013 at 7:30 p.m. to receive comments on and consider the approval of real estate tax exemption for property owned by New Hope Baptist Church, also referred to as Tax Map # 36-32.

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

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of November and December, 2012, and January, 2013.

RE: BUDGET WORKSESSION - CIP DISCUSSION

Supervisor White discussed several items that he felt may be operating rather than capital expenditures.

The Board requested that staff differentiate between projects and prioritization using four (4) categories: preservation, replacement, repair, and new.

Kurt Hildebrand, Public Works Director, reviewed several Public Works projects, and discussed the need for a government space needs study.

Julie Summs, County Administrator, introduced the new CIP format to the Board, explaining that the new format would likely be the format in which the Board received their FY14 information.

Supervisor Frame requested that the Collection Site for Locust Grove be moved back to 2015-2016 in the CIP budget as part of the commitment to Lake of the Woods.

Discussion ensued among the Board regarding: available funding for some of the energy efficiency projects for the Schools; the E911 Center or relocation project; auto pulse replacement; operational and maintenance costs association with CIP projects; reserves in the CIP and a change to the fiscal stability reserve policy where reserves would not be counted towards the fiscal stability reserve; and unfunded mandates that drive local government costs, such as the new software for the Commonwealth Attorney's Office.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Frame moved, seconded by Mr. White and carried, to adjourn the meeting at 9:15 p.m. Ayes: White, Goodwin, Frame. Nays: None. Absent: Abbs, Wilson.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator