

**BOARD OF SUPERVISORS MINUTES**

**FEBRUARY 12, 2019**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, February 12, 2019, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James K. White, Chairman; James P. Crozier, Vice Chairman; R. Mark Johnson; and Lee H. Frame. Absent: S. Teel Goodwin. Also present: R. Bryan David, County Administrator; Thomas E. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adopted the agenda, as modified. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Goodwin.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: SERVICE AWARDS

R. Bryan David, County Administrator, presented the following Service Awards:

- |   |                 |          |                         |
|---|-----------------|----------|-------------------------|
| - | Diana O'Connell | 15 Years | Commonwealth's Attorney |
| - | Jason Smith     | 15 Years | OCSO Captain            |
| - | Bryan Seal      | 10 Years | OCSO Sergeant           |
| - | Bryan David     | 5 Years  | County Administrator    |

Receiving a Service Award, but not in attendance at the meeting, was:

- |   |              |          |                                 |
|---|--------------|----------|---------------------------------|
| - | Tammy Corbin | 15 Years | Senior Administrative Assistant |
| - | Donna Lucas  | 15 Years | Senior Administrative Assistant |

RE: BUSINESS SPOTLIGHT

Rachel Helsley, Owner of The Hairitage Co., appeared before the Board to spotlight her business. She explained that her salon recently opened in the Town of Orange and she provided a variety of hair care services. Ms. Helsley added that she offered twelve (12) years of experience as a stylist.

The Board thanked Ms. Helsley for her presentation.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

E. Alan Saunders, Louisa Resident Engineer, provided an update to the Board on VDOT activities. He reported on fatal accidents in 2018; SmartScale project updates; projects currently in development; projects under construction; completed and ongoing traffic engineering studies; and overall maintenance activities.

Discussion ensued among the Board regarding: the status of the Route 20/Route 33 intersection project recommended for SmartScale funding; the Matthews Mill bridge project and scheduling the property owner's meeting; VDOT's response to the request for a pedestrian crossover on Route 3 at Lake of the Woods; and the process of accepting A&K Blvd. and Twin Drive into the State system.

The Board thanked Mr. Saunders for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adopted the Consent Agenda, as presented.

RE: RENEWAL OF THE CONTRACT WITH PB MARES, LLP FOR AUDIT SERVICES

As part of the Consent Agenda, the Board authorized staff to renew the contract with PB Mares, LLP for a period of one (1) year, representing the third of four (4) possible renewals, as presented.

RE: MINUTES

This item was struck from the agenda.

RE: NEW BUSINESS

RE: INITIATION OF PLANNING COMMISSION ACTION REGARDING PRIVATE ROAD STANDARDS

Supervisor Johnson presented concerns expressed by Planning Commissioner Jason Capelle regarding private road standards contained in the Subdivision Ordinance and the related responsibilities of the Planning Commission. He recommended the matter for discussion and consideration in order to provide clarification.

Discussion ensued among the Board regarding: consideration of key factors (bonding, construction standards, and maintenance agreement) in the private road process; the County Attorney's clarification on the current process; clarification of the Planning Commission's role in allowing waivers to road standards; amendments to the ordinance to include clarifying language; and a follow-up memo to the Planning Commission defining its role.

By consensus, the Board initiated Planning Commission action on amendments to the Subdivision Ordinance regarding private road standards.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: PROPOSED FY2018-2019 TOURISM DEPARTMENT BUDGET AMENDMENTS

Lori Landes-Carter, Tourism Manager, explained that a request was previously presented to the Board to re-appropriate unexpended funds to the Tourism operating budget. She stated that the Board had approved the re-appropriation of a portion of the funds for specific projects, but had deferred action on the balance until later in the fiscal year.

Ms. Carter requested the remainder of the funds be considered for re-appropriation to the Tourism operating budget at this time, for funding of the identified projects.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board approved the re-appropriation of funds from the unobligated General Fund balance to the FY2018-2019 Tourism operating budget for the projects and amounts identified below:

<b>Project</b>	<b>Explanation</b>	<b>Funding Request</b>
Tourism Website	Design for new secured, mobile-friendly website.	\$ 8,000.00
Brochures - Design	Design services for Orange County Maps and Attraction Brochure redesign.	\$ 4,000.00

Brochures - Print	Reprint of Orange County Maps (5,000) and Attraction Brochures (20,000).	\$ 8,000.00
Brochures - Fulfillment	Shipping cost of redesigned Maps and Attraction Brochures to State-wide visitor centers.	\$ 2,000.00
Virginia is for Lovers Anniversary - 50 Day Regional Event	"50 Ways to FALL in LOVE with the Foothills" - Madison, Greene, and Orange partnership; marketing and services budget support.	\$ 4,000.00
Tourism Marketing Photography and Video	Collecting professional still and video images for marketing and media resources.	\$ 3,000.00
Tourism Branded Merchandise and Clothing	Resupply branded products for promotions and marketing.	\$ 2,000.00
Professional Development	Attend Tourism-related conferences, seminars, and join Mid Atlantic Public Relations Alliance for professional development.	\$ 1,000.00
	<b>Total</b>	<b>\$ 32,000.00</b>

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

RE: COUNTY ATTORNEY'S REPORT

RE: AUTHORIZATION OF PUBLIC HEARING TO CONSIDER A BOUNDARY LINE ADJUSTMENT BETWEEN ORANGE COUNTY AND GREENE COUNTY

Thomas Lacheney, County Attorney, presented a request to the Board to schedule a public hearing regarding a boundary line adjustment between Orange County and Greene County. He explained that the State Board of Elections determined certain properties in the Preddy Creek Subdivision, previously treated as part of Greene County, were actually located in Orange County. Mr. Lacheney indicated that, should both localities hold a public hearing and agree to adjust the boundary line to include the affected properties within Greene County, the boundary line adjustment could be executed and recorded.

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to advertise for and schedule a Public Hearing on Tuesday, March 12, 2019, at 7:00 p.m., to consider a boundary line adjustment between Orange County and Greene County, as presented.

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

RE: COUNTY ADMINISTRATOR'S REPORT

RE: PUBLIC SAFETY FACILITY PROJECT UPDATE; PROJECT CHANGE ORDERS

Kurt Hildebrand, Assistant County Administrator for Operations, provided an update to the Board on the Public Safety Facility project, particularly as it related to site work and change orders. He explained that during the initial site work, and because of the wet weather, changes orders were likely. Mr. Hildebrand reminded the Board there was no contingency funding in place for the project. As such, he requested the Board's consideration to transfer money from the Landfill Fund to the Public Safety Facility Capital Fund. Mr. Hildebrand indicated the transfer amount had been budgeted for dirt cover for the Landfill; however, the poor dirt from the construction site could be removed and used at the Landfill and the funds budgeted for dirt cover at the Landfill could be used to fund the likely change orders related to site work instead.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to transfer \$352,000 from the Landfill Fund to Line Item 49400107-45900-C1034 for the Public Safety Facility Capital Project, and authorized the Assistant County Administrator for Operations to execute change orders related to the construction of the Public Safety Facility, up to the total amount of \$352,000, as presented.

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

RE: FY2019-2020 OPERATING AND CAPITAL BUDGET UPDATE

R. Bryan David, County Administrator, provided an update to the Board on development of the Operating and Capital budgets.

The Board took the information regarding the FY2019-2020 Operating and Capital budgets under advisement, and there was no action taken at this time.

RE: BOARD OF SUPERVISORS' TWO-YEAR STRATEGIC PRIORITIES (FY2018-2019 FY2019-2020) – FIRST YEAR, SECOND QUARTER (Y1Q2) UPDATE

R. Bryan David, County Administrator, provided a brief quarterly update to the Board on its Two-Year Strategic Priorities, reviewing the progress that had been made on each priority to-date.

The Board took the information regarding its Two-Year Strategic Priorities under advisement, and there was no action taken at this time.

RE: BOARD COMMENT

Supervisor Crozier commented on the success of the recent Employer Roundtable hosted by the Department of Economic Development.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Economic Development Quarterly Report
- Tourism Quarterly Report
- Social Services Quarterly Report
- November 30, 2018 Health Center Commission (HCC) Minutes
- January 2, 2019 Culpeper Soil and Water Conservation District Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of February 2019, March 2019, and April 2019.

RE: CLOSED MEETING

At 6:00 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Discussion and consideration of the performance of specific employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia

- Discussion or consideration of the acquisition of real property for a public purpose, and discussion or consideration of the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, concerning lease space for the Veteran's Memorial, the Blue Bell building, polling places, and a 0.195-acre parcel of land. - §2.2-3711(A)(3) of the Code of Virginia
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters concerning LODA, mold, data security, tax exemption, and broadband, requiring the provision of legal advice by such counsel. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Goodwin.

RE: CERTIFICATION OF CLOSED MEETING

At 7:03 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors 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 Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

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

RE: COUNTY ATTORNEY'S REPORT (Continued)

RE: AUTHORIZATION OF PUBLIC HEARING TO CONSIDER DISPOSITION OF COUNTY PROPERTY

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to advertise for and schedule a Public Hearing on Tuesday, March 12, 2019, at 7:00 p.m., to consider the disposition of County property, as presented.

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

RE: PUBLIC COMMENT

At 7:03 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:03 p.m.

RE: PUBLIC HEARING #1; REQUEST FOR PERSONAL PROPERTY TAX EXEMPTION

Supervisor Frame presented a request for personal property tax exemption from Lake of the Woods Adaptive Watersports, an organization recognized as a 501(c)3 organization and classified as a public charity. He added that the subject personal property currently included a Chevrolet Tahoe, boat, and trailer, and the approximate annual taxes were \$330.75.

Discussion ensued among the Board regarding: the exemption of personal property only; capping the exemption at a maximum of \$1,000 each tax year; and back-dating to the 2018 tax year.

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

REQUEST FOR PERSONAL PROPERTY TAX EXEMPTION

Pursuant to §58.1-3651 VA Code Ann., the Board of Supervisors will consider a tax exemption request for personal property owned by Lake of the Woods Adaptive Watersports. For 2018, the assessed value of the personal property for which the exemption is being sought was \$9,520. The 2018 County real estate taxes assessed against the personal property was \$330.75.

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

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adopted the following ordinance, as presented:

ORDINANCE TO EXEMPT PERSONAL PROPERTY OWNED BY  
LAKE OF THE WOODS ADAPTIVE WATERSPORTS

WHEREAS, Lake of the Woods Adaptive Watersports, an IRS §501(c)(3) tax-exempt, non-profit organization, has petitioned the Board of Supervisors to exempt from taxation certain personal property pursuant to Article X, §6(a)(6) of the Constitution of Virginia; and

WHEREAS, §58.1-3651 VA Code Ann. sets forth the procedure, including adoption of an ordinance, by which the Board may designate property as tax exempt, establishes certain requirements for a public hearing concerning the adoption of such an ordinance, and sets forth certain questions and materials to be considered prior to the adoption of such an ordinance; and

WHEREAS, the Board, after due notice and conduct of a public hearing, has considered the questions and materials set forth in §58.1-3651(B) VA Code Ann., has reviewed the information provided by Lake of the Woods Adaptive Watersports, and has determined that the petition for the proposed exemption from taxation should be granted;

NOW, THEREFORE, BE IT ORDAINED, on this 12<sup>th</sup> day of February, 2019, that the Orange County Board of Supervisors hereby certifies the following:

1. In accordance with §58.1-3651(A) VA Code Ann., the Board recognizes Lake of the Woods Adaptive Watersports as a non-profit organization, operating with purposes defined within the context of Article X, §6(a)(6) of the Constitution of Virginia; and
2. In accordance with §58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the personal property registered in Orange County, owned by Lake of the Woods Adaptive Watersports, and used exclusively for cultural purposes; and
3. Pursuant to §58.1-3605 VA Code Ann., Lake of the Woods Adaptive Watersports shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next 60 days; and

4. The Clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to Lake of the Woods Adaptive Watersports; and
5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which Lake of the Woods Adaptive Watersports is designated and indicated in their request; and
6. This ordinance shall become effective January 1, 2018, and is authorized in an amount not to exceed \$1,000 each tax year.

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

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adjourned the meeting at 7:04 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Goodwin.

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James K. White, Chairman

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R. Bryan David, County Administrator