

**BOARD OF SUPERVISORS MINUTES**

**FEBRUARY 11, 2020**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, February 11, 2020, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; and Lee H. Frame. Absent: S. Teel Goodwin. Also present: Brenda G. Garton, Interim County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. White, 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

Brenda G. Garton, Interim County Administrator, presented the following Service Awards:

- Emanuel "Buzz" Jarrell                      10 Years                      Airport Manager
- Larry Clement                                      10 Years                      IT Director
- April Clark    20 Years                      Administrative Assistant

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

- Shannon Dickson                                      10 Years                      Sheriff's Office Investigator
- Michael Garrison                                      15 Years                      Sheriff's Office Sergeant
- Nelson Seale    20 Years                      Fire and EMS Captain

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION FOR ROSE DEAL

Chairman Crozier presented a Certificate of Appreciation to Rose Deal for her years of service to Orange County. Collectively, the Board thanked Ms. Deal for her service.

RE: CONSENT AGENDA

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

RE: FY20 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30030006-33500	Donations - Animal Shelter	\$ (8,292.22)	\$ (1,082.00)	\$ (9,374.22)
43520003-43115	Prof. Serv. - Emergency Vet	123,380.22	1,082.00	124,462.22
30026501-32425	Friends of Library Donations	(3,871.33)	(1,000.00)	(4,871.33)
47310001-46800	Library Program Expenses	4,355.00	600.00	4,955.00
47310001-46415	A/V Material - Adult	8,482.15	200.00	8,682.15
47310001-46462	Books - Adult - Other Vendor	5,762.21	200.00	5,962.21
<b>TOTALS</b>		<b>\$ (129,816.03)</b>	<b>\$ 0.00</b>	<b>\$ (129,816.03)</b>

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- January 28, 2020 Regular Meeting
- February 4, 2020 Special Meeting

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT TO DAVENPORT & COMPANY, LLC FOR FINANCIAL ADVISORY SERVICES

Amanda Amos, Procurement Coordinator, explained that the City of Harrisonburg, Virginia had competitively procured and awarded a contract to Davenport & Company, LLC for financial advisory services, which was valid through March 1, 2022.

Ms. Amos noted that Davenport had a history of providing Orange County with excellent services in the past, and staff requested approval to “piggy-back” the City of Harrisonburg’s contract for potential financial advisory needs.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to enter into Cooperative Contract (#2019-FN-P) with Davenport & Company, LLC, for a one-year term, effective through February 11, 2021, as presented.

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

RE: OLD BUSINESS

RE: AWARD OF THE CONTRACT FOR STREET SIGN REPAIR AND REPLACEMENT

Amanda Amos, Procurement Coordinator, indicated that the Board had been previously presented with a solicitation for street sign repair and replacement and a recommendation by staff to award a contract to D & S Construction, the lowest responsive bidder. She explained that the Board had requested more information regarding the vendor’s credentials and status with the Virginia Department of Transportation (VDOT) prior to awarding a contract.

Ms. Amos stated that staff had contacted VDOT and clarified the following vendor requirements: vendors were not required to be VDOT-approved contractors in order to perform services for localities; vendors were responsible, once awarded a contract, for obtaining any required permits to work in VDOT right-of-way; and VDOT maintained an internal list of pre-approved contractors for VDOT-specific projects only. She noted that staff had received no information that would prevent the award of a contract to D & S Construction.

Discussion ensued among the Board regarding: the need to ensure the contractor’s VDOT permit was on-file with the County before proceeding with any work.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to enter into a contract with D & S Construction for street sign repair and replacement for a one-year term, with the possibility of four additional one-year renewals, as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Mr. White explained that he and Lewis Foster, Broadband Program Manager, had recently attended the debrief session on the VATI Grant awards and evaluations, which offered useful information on the scoring and ranking process.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Tourism Quarterly Report
- VDOT Monthly Report for February
- Planning Services & Zoning Activity – 2019 Final Report
- January 7, 2020 Culpeper Soil and Water Conservation District Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Renee Brister as a member of the Barboursville Village Overlay District Advisory Committee (BVODAC) for a two-year term, with said term commencing immediately and expiring on September 30, 2020.

By consensus, the Board re-appointed Philip Frazer as an At-Large Representative on the Health Center Commission for a four-year term, with said term commencing March 1, 2020 and expiring on February 28, 2024.

By consensus, the Board re-appointed George Yancey as the District Two Representative on the Orange County Planning Commission for a four-year term, with said term commencing April 1, 2020 and expiring on March 31, 2024.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of February 2020, March 2020, and April 2020.

RE: RECESS

The Board recessed its meeting at 5:18 p.m.

RE: RECONVENE

The Board reconvened its meeting at 5:30 p.m.

RE: PUBLIC COMMENT

At 5:30 p.m., Chairman Crozier opened the floor for public comment.

There being no speakers, public comment was closed at 5:30 p.m.

RE: CLOSED MEETING

At 5:31 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, consideration, or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body with respect to the County Administrator. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion or consideration of the acquisition of real property for a public purpose, or 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 with respect to the Orange County Airport. - §2.2-3711(A)(3) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body with respect to S-Power. - §2.2-3711(A)(7) of the Code of Virginia
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel with respect to DEQ, FOIA, CDAs, and Fire Districts. - §2.2-3711(A)(8) of the Code of Virginia
- Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities. - §2.2-3711(A)(19) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), (A)(7), (A)(8), and (A)(19) 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. White, 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 6:53 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 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: Johnson, White, Crozier, Frame. Nays: None. Absent: Goodwin.

RE: BOARD COMMENT (Continued)

Discussion ensued among the Board regarding: how the reassessment process was completed; whether the reassessments were based on the previous assessment or were based on sales and market condition; and the assessor's access to property cards.

RE: PUBLIC HEARING #1: AMENDMENTS TO CHAPTER 58 - TAXATION

Renee Pope, Commissioner of the Revenue, explained that she had previously presented a request to the Board to amend the requirements for net income and net worth for the Tax Relief for the Elderly and Handicapped program. She stated that she had provided a recommendation to increase net income to \$50,000 and net worth to \$120,000, which was based on a survey of surrounding localities. Ms. Pope added that the proposed amendments required a public hearing and adoption of an ordinance, noting that once net income and net worth were increased, the tables for financial worth range would also be updated accordingly.

At 7:00 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

AMENDMENTS TO CHAPTER 58 - TAXATION

The Board of Supervisors will consider amendments to Chapter 58 (Taxation), Article III (Exemptions) of the Orange County Code of Ordinances regarding Exemptions for Certain Elderly and Disabled Persons. The amendment proposes to increase the qualification for granting an exemption to \$50,000 for net income and to \$120,000 for net worth. The tables for Financial Worth Range to calculate the amount of exemption are also proposed to be adjusted accordingly.

There being no speakers, Chairman Crozier closed the Public Hearing at 7:00 p.m.

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

ORDINANCE APPROVING AMENDMENTS TO SECTION 58 (TAXATION) OF THE  
ORANGE COUNTY CODE OF ORDINANCES CONCERNING EXEMPTIONS FOR  
CERTAIN ELDERLY AND DISABLED PERSONS

WHEREAS, at the request of the Commissioner of the Revenue, the Board of Supervisors previously initiated action on amendments to Section 58 (Taxation) of the Orange County Code of Ordinances concerning exemptions for certain elderly and disabled persons; and

WHEREAS, the County Attorney drafted recommended language for the amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on February 11, 2020, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

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

NOW, THEREFORE, BE IT ORDAINED, on this 11<sup>th</sup> day of February, 2020, that the Orange County Board of Supervisors hereby approves the amendments to Section 58 (Taxation) of the Orange County Code of Ordinances concerning exemptions for certain elderly and disabled persons, as presented and shown below.

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

**Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 200211 – PH1  
by the Orange County Board of Supervisors  
on February 11, 2020**

**Chapter 58 - Taxation**

**Division 3 - Exemptions for Certain Elderly and Disabled Persons**

**Sec. 58-133. - Qualifications for grant of exemption.**

The exemption provided in this division shall be granted to persons who meet the following provisions:

- 1) The title to the property for which the exemption is claimed is held, or partially held, on January 1 of the taxable year by the eligible person claiming the exemption, and who is at least 65 or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year; and,
- 2) Such real estate shall be owned by, and occupied as, the sole dwelling of all owners; however, an applicant who is residing in a nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration; and,
- 3) For purposes of this section, "eligible person" means a person who is at least age 65 or permanently and totally disabled. Real estate owned and occupied as the sole dwelling of an eligible person includes real estate (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.
- 4) The total combined income received from all sources during the immediately preceding calendar year by (i) the owners of the dwelling living in the dwelling, and of the (ii) owners' relatives living in the dwelling, and (iii) nonrelatives of the owners who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owners, shall not exceed ~~\$40,000.00~~ \$50,000.00; and the first \$7,500.00 of income of each relative living in the dwelling, other than a spouse of the owners, and each nonrelative who lives in the dwelling, other than bona fide tenants or bona fide paid caregivers of the owners, shall not be included in such total; and,
- 5) a. If the title to the property for which the exemption is claimed is held solely by the applicant, or together with the spouse of the applicant, with no other joint owners, then the net combined financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the applicant and of the spouse of the applicant, excluding the value of the dwelling and the land, not exceeding two (2) acres upon which the dwelling is situated, shall not exceed ~~\$90,000.00~~ \$120,000.00; or,  
b. If the title to the property for which the exemption is claimed is held by the applicant and one or more other individuals, and the net combined financial worth of all such joint owners, including the present value of all equitable interests and computed without any exclusion for the dwelling or for any other asset as of December 31 of the immediately preceding calendar year, does not exceed ~~\$140,000.00~~ \$170,000.00, the exemption for the dwelling that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all qualifying applicants, and as a denominator, 100 percent.

*(Ord. of 8-10-1993, §3; Ord. of 12-12-2000; Ord. of 7-26-2005; Ord. of 10-9-2007(2); Ord. of 10-13-2009(1); Ord. of 12-14-2010; Ord. of 12-13-2011; Ord. of 01-13-2015)*

**Sec. 58-135. - Calculation of amount of exemption.**

The persons qualifying for and claiming an exemption under this division shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land in the amount calculated in accordance with the following schedule:

Exemption percentage schedule if qualifying under Section 58-133~~(4)~~(5)a.

	Financial Worth Range				
	<del>\$0.00-</del> <del>\$18,000</del> <u>\$0.00 -</u> <u>\$24,000</u>	<del>\$18,001-</del> <del>\$36,000</del> <u>\$24,001 -</u> <u>\$48,000</u>	<del>\$36,001-</del> <del>\$54,000</del> <u>\$48,001 -</u> <u>\$72,000</u>	<del>\$54,001-</del> <del>\$72,000</del> <u>\$72,001 -</u> <u>\$96,000</u>	<del>\$72,001-</del> <del>\$90,000</del> <u>\$96,001 -</u> <u>\$120,000</u>
Range of Income					
<del>\$0.00-</del> <del>\$15,000</del> <u>\$0.00 -</u> <u>\$18,750</u>	90	80	70	60	50
<del>\$15,001-</del> <del>\$20,500</del> <u>\$18,751 -</u> <u>\$25,625</u>	80	70	60	50	40
<del>\$20,501-</del> <del>\$26,000</del> <u>\$25,626 -</u> <u>\$32,500</u>	70	60	50	40	30
<del>\$26,001-</del> <del>\$31,500</del> <u>\$32,501 -</u> <u>\$39,375</u>	60	50	40	30	20
<del>\$31,501-</del> <del>\$40,000</del> <u>\$39,376 -</u> <u>\$50,000</u>	50	40	30	20	10

Exemption percentage schedule if qualifying under section 58-133~~(4)~~(5)b.

	Financial Worth Range				
	<del>\$0.00-</del> <del>\$28,000</del> <u>\$0.00 -</u> <u>\$34,000</u>	<del>\$28,001-</del> <del>\$56,000</del> <u>\$34,001 -</u> <u>\$68,000</u>	<del>\$56,001-</del> <del>\$84,000</del> <u>\$68,001 -</u> <u>\$102,000</u>	<del>\$84,001-</del> <del>\$112,000</del> <u>\$102,001 -</u> <u>\$136,000</u>	<del>\$112,001-</del> <del>\$140,000</del> <u>\$136,001 -</u> <u>\$170,000</u>
Range of Income					

<del>\$0.00-</del> <del>\$15,000</del> <del>\$0.00 -</del> <del>\$18,750</del>	90	80	70	60	50
<del>\$15,001-</del> <del>\$20,500</del> <del>\$18,751 -</del> <del>\$25,625</del>	80	70	60	50	40
<del>\$20,501-</del> <del>\$26,000</del> <del>\$25,626 -</del> <del>\$32,500</del>	70	60	50	40	30
<del>\$26,001-</del> <del>\$31,500</del> <del>\$32,501 -</del> <del>\$39,375</del>	60	50	40	30	20
<del>\$31,501-</del> <del>\$40,000</del> <del>\$39,376 -</del> <del>\$50,000</del>	50	40	30	20	10

(Ord. of 7-26-2005; Ord. of 10-9-2007(2); Ord. of 10-13-2009(1); Ord. of 6-28-2011(4); Tables amended 12-13-2011)

RE: BOARD COMMENT (Continued)

RE: FIRE AND EMS TAX LEVY

Mr. Johnson stated that the budget for Fire and EMS had become a large portion of the County's overall budget and the Board desired the opportunity to receive public input on separating the Fire and EMS budget into an individual component of the County's tax rate.

The County Attorney cited two (2) sections of the Code of Virginia that were potentially applicable, indicating that he would need to complete additional research.

Discussion ensued among the Board regarding: the most applicable Code of Virginia section; whether or not a public hearing was required; whether or not the Board desired a combined tax levy, or separate levies for fire and emergency services; the staff that would be responsible for the levy; how the levy would be logistically implemented; and how other localities handled the levy.

By consensus, the Board requested that staff conduct additional research necessary to answer the questions and be prepared to present the item for discussion at the next meeting.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board adjourned the meeting at 7:09 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Goodwin.

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James P. Crozier, Chairman

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Brenda G. Garton, Interim County Administrator