

**BOARD OF SUPERVISORS MINUTES**

**MARCH 12, 2019**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, March 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; S. Teel Goodwin; and Lee H. Frame. Also present: R. Bryan David, 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. Goodwin, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Gerilee Hundt and Kathy Judge, co-owners of Books Bound2Please, appeared before the Board to spotlight their business. Ms. Hundt explained their book store recently opened on Main Street in the Town of Orange. She added the book store offered local art on consignment, writing classes, book signings, author readings, craft classes, meeting space, and more.

The Board thanked Ms. Hundt and Ms. Judge for their presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY19 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
48155001-47737	Transfer to EDA Fund	\$ 347,791.00	\$ 65,452.00	\$ 413,243.00
30052001-39900	Appropriated Fund Balance	(2,021,384.04)	(65,452.00)	(2,086,836.04)
49400107-48070 C1034	Construction Management	0.00	407,381.00	407,381.00
49400107-48050 C1034	Communications Equipment	0.00	327,000.00	327,000.00
49400107-48370 C1034	Utilities - Construction	0.00	80,401.00	80,401.00
30021006-31115	Interest on Investments	(44,020.00)	(460,000.00)	(504,020.00)
30051011-39100	Transfer from General Fund	(850,000.00)	(354,782.00)	(1,204,782.00)
30052001-39900	Appropriated Fund Balance	(2,021,384.04)	(354,782.00)	(2,376,166.04)
49310001-47311	Trans. to 2016 Bond Project	850,000.00	354,782.00	1,204,782.00
49400112-48150 C1057	Machinery & Equipment	772,000.00	(243,919.00)	528,081.00
49400107-48070 C1034	Construction Management	0.00	243,919.00	243,919.00

30045050-36130	CSA Child Support Reimb.	0.00	(478,791.00)	(478,791.00)
30052001-39900	Appropriated Fund Balance	(2,021,384.04)	(327,089.00)	(2,348,473.04)
45351001-43270	Res. Congregate Care	300,000.00	(111,718.00)	188,282.00
45351001-43275	Foster Care	400,000.00	167,396.00	567,396.00
45351001-43276	Congregate Care Ed. Serv.	350,000.00	(40,383.00)	309,617.00
45351001-43277	SpEd (IEP) Priv. Day Place.	700,000.00	743,790.00	1,443,790.00
45351001-43280	Community-Based Services	499,867.00	65,605.00	565,472.00
45351001-43290	NM Comm.-Based Services	28,277.00	(18,810.00)	9,467.00
30030006-33500	Donations - Animal Shelter	(124,755.02)	(1,249.00)	(126,004.02)
43520003-43115	Prof. Serv. - Emergency Vet	137,810.02	1,249.00	139,059.02
48110001-41111	Wages - Regular	255,851.00	(17,500.00)	238,351.00
44320001-43350	Other Repair / Maint.	236,073.36	17,500.00	253,573.36
<b>TOTALS</b>		<b>\$ (2,205,257.76)</b>	<b>\$ 0.00</b>	<b>\$ (2,205,257.76)</b>

RE: FY19 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation and budget amendment for FY19 for Orange County Public Schools in the amount of \$57,555, representing a carryforward from FY18 relative to grant proceeds, as presented.

RE: BOARD-INITIATED REZONINGS

As part of the Consent Agenda, the Board initiated Planning Commission action on the following split-zoned properties:

- 10341 Gospel Hill Road
- 23218 Village Road
- 10380 Marquis Road
- 11106 Dulin Lane

RE: RENEWAL OF THE CONTRACT WITH DELL FOR HARDWARE AND MAINTENANCE

As part of the Consent Agenda, the Board authorized staff to renew Contract No. VA-140331-DELL with Dell for hardware and maintenance, in accordance with the original contract terms, as presented.

RE: APPROVAL OF JOB DESCRIPTIONS FOR CSA & FAPT

As part of the Consent Agenda, the Board approved the job descriptions for the CSA Coordinator and FAPT Coordinator positions, as presented.

RE: APPROVAL OF JOB DESCRIPTION FOR TRAINING OFFICER

As part of the Consent Agenda, the Board approved the job description for the Training Officer, as presented.

RE: CHANGE TO ACTIVE POSITION CLASSIFICATION LIST

As part of the Consent Agenda, the Board adopted the amendment to the Active Position Classification List, changing the Category designation of the Senior Maintenance Technician (Grade 109) from Non-Essential to Essential, as presented.

RE: MINUTES

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

- February 12, 2019 Worksession
- February 12, 2019 Regular Meeting
- February 26, 2019 Worksession
- February 26, 2019 Regular Meeting

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director / 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

RE: FY2019-2020 OPERATING AND CAPITAL BUDGET UPDATE

R. Bryan David, County Administrator, provided an update to the Board on development of the FY2019-2020 Operating and Capital Budgets. He indicated the calendar for adoption of the budgets had been modified, and he presented the modified schedule to the Board. Mr. David noted the proposed adoption of the budgets had been delayed until the April 23, 2019 meeting, following the proposed public hearing on April 16, 2019.

By consensus, the Board approved the amendments to the FY2019-2020 Operating and Capital Budget adoption schedule, as presented.

RE: BOARD COMMENT

Supervisor Goodwin commented on the installation of the single-stream recycling containers throughout the County, indicating that, while it was a great benefit to citizens, the holes to insert recyclables were very small and did not allow for dumping larger quantities. Additionally, Supervisor Johnson suggested adding more detailed information on the County's website regarding recycling.

Supervisor Frame commented that he recently had the honor of judging the Miss OC Pageant and was impressed by the interviews and accomplishments of the contestants.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Finance Quarterly Report
- VDOT Monthly Report for March

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 March 2019, April 2019, and May 2019.

RE: SCHEDULE A PUBLIC HEARING FOR LEASE REVISIONS WITH FOUR COUNTY PLAYERS AND BARBOURSVILLE RURITAN CLUB

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing regarding revisions to the existing leases with Four County Players and Barboursville Ruritan Club on Tuesday, April 9, 2019 at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR AMENDMENTS TO THE SUBDIVISION ORDINANCE REGARDING PRIVATE ROADS

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing regarding amendments to the Subdivision Ordinance regarding private roads on Tuesday, April 9, 2019 at 7:00 p.m., as presented.

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

RE: CLOSED MEETING

At 5:18 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 prospective candidates for employment; and the assignment, appointment, promotion, performance, or demotion of specific public officers, appointees, or employees of the public body with respect to broadband and Fire and EMS. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion concerning a prospective business or industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - §2.2-3711(A)(5) 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 concerning trash and debris, Lake of the Woods Fire, and easements. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(5), 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. Goodwin, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 5:58 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, Goodwin, Crozier, Frame. Nays: None.

RE: RECESS

The Board recessed its meeting at 5:58 p.m.

RE: RECONVENE

The Board reconvened its meeting at 7:30 p.m.

RE: PUBLIC COMMENT

At 7:30 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:30 p.m.

RE: PUBLIC HEARING #1; AUTHORIZATION OF SALE OF REAL PROPERTY TO VDOT

Thomas Lacheney, County Attorney, presented a request to the Board to dispose of a parcel of County-owned land to the Virginia Department of Transportation (VDOT). He stated that VDOT was planning to perform road improvements on Route 635 (Greenwood Road) and desired to purchase the small parcel retained by the County. Mr. Lacheney noted the formal offer from VDOT was to purchase the 0.195-acre parcel for \$500, in addition to providing \$350.00 for the required public hearing advertisement.

At 7:32 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

DISPOSITION OF COUNTY-OWNED PROPERTY

The Board of Supervisors will receive public input on its proposed sale of a 0.195-acre parcel of land located on Greenwood Road (Route 635). The parcel is situated on the southeast side of the right-of-way owned by Southern Railway Co. and is proposed to be sold to the Virginia Department of Transportation (VDOT).

There being no speakers, Chairman White closed the Public Hearing at 7:32 p.m.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

**RESOLUTION TO AUTHORIZE THE SALE OF REAL PROPERTY ON ROUTE 635 (GREENWOOD ROAD) TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the County of Orange owns a certain 0.195-acre parcel of real property located on Greenwood Road (Route 635), situated on the southeast side of the right-of-way owned by Southern Railway Co.; and

WHEREAS, the Virginia Department of Transportation (VDOT) desires to purchase said 0.195-acre parcel for a transportation project; and

WHEREAS, VDOT has offered the County a total of \$850.00, representing \$500.00 for said parcel and \$350.00 to cover the advertising fees for the required public hearing; and

WHEREAS, a public hearing was duly advertised and held on March 12, 2019, to receive public input on the consideration of selling said real property to VDOT; and

WHEREAS, the County supports sale of said real property to VDOT;

NOW, THEREFORE, BE IT RESOLVED, on this 12<sup>th</sup> day of March, 2019, that the Orange County Board of Supervisors hereby authorizes the Chairman to execute the deed transferring ownership of the 0.195-acre parcel to the Virginia Department of Transportation.

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

RE: PUBLIC HEARING #2; BOUNDARY LINE ADJUSTMENT WITH GREENE COUNTY

Thomas Lacheney, County Attorney, presented a request to the Board to execute a boundary line adjustment with Greene County. He explained there were several properties in the Preddy Creek Subdivision that had been treated as part of Greene County, but were actually located in Orange County. Mr. Lacheney indicated the boundary line adjustment would result in the parcels being within the boundary of Greene County, where the property owners would continue to vote, go to school, and pay taxes. Lastly, he noted Greene County had paid for the boundary survey to be completed and would be having a similar public hearing, ultimately resulting in the plat and boundary line agreement being finalized and recorded.

At 7:34 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

BOUNDARY AGREEMENT WITH GREENE COUNTY

Pursuant to §15.2-3107 of the Code of Virginia, the Board will consider a proposed agreement with Greene County to adjust a portion of the boundary line between the two counties. The boundary line to be adjusted is located near Preddy Creek Road (Route 670) and involves a portion of the Preddy Creek Subdivision. The twelve parcels specifically impacted are 66F-2-3, 66F-2-4, 66F-2-5, 66F-2-6, 66F-2-7, 66F-3-3, 66F-3-4, 66F-3-5, 66F-4-7, 66F-4-8, 66F-4-9, and 66F-4-10, which all show on both the Orange County and Greene County GIS Systems as lying partially or fully in Orange County. The purpose of the proposed boundary adjustment is to move the above-referenced parcels, in their entirety, into Greene County. The new boundary between Orange and Greene would begin at the intersection of Preddy Creek and Cuddins Run, and run along the centerline of Ridgeway Drive (Route 670) up to Greene County Parcels 66F-4-9 and 66F-4-10. The proposed adjustment is more particularly described on a plat prepared by Roger W. Ray and Associates, Inc., dated January 24, 2019, and titled, "Plat Showing a Portion of Existing Greene / Orange County Line Hereby Revised Greene County, Virginia and Orange County, Virginia."

There being no speakers, Chairman White closed the Public Hearing at 7:34 p.m.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO AUTHORIZE A BOUNDARY LINE ADJUSTMENT BETWEEN  
GREENE COUNTY AND ORANGE COUNTY

WHEREAS, Greene County parcels 66F-2-3, 66F-2-4, 66F-2-5, 66F-2-6, 66F-2-7, 66F-3-3, 66F-3-4, 66F-3-5, 66F-4-7, 66F-4-8, 66F-4-9, and 66F-4-10 have been taxed and treated as part of Greene County since the parcels were developed; and

WHEREAS, both the Greene County and Orange County GIS Systems identify these parcels as lying fully or partially in Orange County, as shown on Exhibit 1; and

WHEREAS, both Greene County and Orange County agree that said parcels should fully be located within Greene County; and

WHEREAS, the County advertised its intent to enter into a Boundary Line Adjustment with Greene County, once a week, for two successive weeks, in The Orange Review, and a public hearing was held on March 12, 2019;

NOW, THEREFORE, BE IT RESOLVED, on this 12<sup>th</sup> day of March, 2019, that the Orange County Board of Supervisors hereby 1) authorizes the Chairman to execute the Boundary Establishment Agreement with Greene County; and 2) authorizes the County Attorney to file all the necessary documentation to effectuate the terms of the Boundary Establishment Agreement and to file the necessary court procedures to complete the process.

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

RE: PUBLIC HEARING #3: REQUEST FOR THROUGH TRUCK TRAFFIC RESTRICTION ON RAPIDAN ROAD (ROUTE 615)

Chairman White introduced Alan Saunders, Louisa Resident Engineer, who presented an overview of VDOT's through truck traffic restriction. Mr. Saunders reviewed the process of making a through truck restriction request, the definitions of local traffic versus through traffic, subsequent considerations of VDOT following receipt of a request, and the Commonwealth Transportation Board's decision process.

Discussion ensued among the Board regarding: jurisdiction over the portion of Rapidan Road located in Orange County only; the receipt of input from all jurisdictions (Town of Orange and Culpeper County) regarding the request; and clarifications on the definitions of local traffic and through traffic.

At 7:42 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

THROUGH TRUCK RESTRICTION ON RAPIDAN ROAD

The Board of Supervisors, in accordance with §46.2-809 of the Code of Virginia, will receive public input on its intent to request, through adoption of a resolution, that the Commonwealth Transportation Board prohibit through truck traffic on Rapidan Road (Route 615). The proposed through truck restriction would begin at the intersection of N. Madison Road and E. Main Street in the Town of Orange, heading northeast for approximately 6.6 miles and terminating at the intersection of Rapidan Road (Route 615) and Old Rapidan Road (Route 673), before the Culpeper County boundary. As a reasonable alternative, N. Madison Road to S. Madison Road to Caroline Street to Berry Hill Road and Constitution Highway (Route 20), east to Zachary Taylor Highway (Route 522), then north to the Culpeper County boundary, has been identified for through trucks that are now traveling along Route 615. In accordance with the Code of Virginia, such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, that has no point of origin or destination along the subject route; local traffic would not be included in the requested restriction.

The following individuals spoke:

- Christopher Hawk, representative of the Piedmont Environmental Council
- Carol Hallman, resident of Orange County
- Rebecca Pizmont, 7084 Piedmont Drive, Rapidan
- Alexander Stumpf, 18413 Sedley Lodge Road, Rapidan
- Cynthia Pipes Johnson, 7075 Rapidan Road, Rapidan
- Larry and Marsha Jenkins, 9538 Rapidan Road, Rapidan

- Doc Garnett, 7271 Old Rapidan Road, Rapidan
- Tammy Collins, representative of the Orange County Chamber of Commerce
- Tracy Laughlin, resident of Rapidan
- Virginia Stanley, 247 Boxley Lane, Orange
- Kenneth Yount, 11174 St. Just Road, Unionville
- Jeff Holsinger, 150 S. Almond Street, Orange
- Ashe Laughlin, resident of Rapidan
- Grant Christie, resident of Rapidan
- Wells Waugh, 5125 Bushy Mountain Road, Culpeper
- Kent Higginbotham, 150 Blue Ridge Drive, Orange
- John Bensko, resident of Rapidan
- Andrew Campbell, resident of Culpeper
- Randall Rhoades, 28282 Rapidan Road, Rapidan
- Will Reames, 10187 Laurel Ridge Lane, Culpeper
- Hunter Hemp, resident of Orange
- Charles Seilheimer, resident of Orange
- Bob Wilbanks, 9140 Rapidan Road, Rapidan

Written comments were also received from the following:

- David Laylin, 358 E. Main Street, Orange
- Cary Holladay, resident of Rapidan
- Ed Dalrymple, Jr., representative of Chemung Contracting and Cedar Mountain
- Bruce and Gwynn Hegyi, 11107 Willis Ford Road, Rapidan
- Greg Marshall, resident of the Town of Orange
- Keith Marshall, 8306 Everona Road, Orange

There being no further speakers, Chairman White closed the Public Hearing at 8:44 p.m.

Discussion ensued among the Board regarding: the functional classification of Rapidan Road; physical attributes that were associated with VDOT's functional classifications; the fact that local traffic, including quarry traffic, would not be part of the restriction; the increase in traffic laws being disobeyed throughout society, not just by large trucks; saturation and utilization of local roads; the fact that Culpeper County was not inclined to support a through truck restriction on the portion of Rapidan Road in its county; the need for all drivers to self-police and self-regulate; creation of a public education campaign to increase awareness; the possibility of roadway improvements on Rapidan Road; and the fact that the through truck traffic was not the main concern and there was a better solution to address the situation.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board voted to reject the proposal to forward a request to the Virginia Department of Transportation (VDOT) on a Through Truck Traffic Restriction on Rapidan Road (Route 615).

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

RE: ADJOURN

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adjourned the meeting at 9:05 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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James K. White, Chairman

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R. Bryan David, County Administrator