

BOARD OF SUPERVISORS MINUTES

MAY 14, 2019

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 14, 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: SERVICE AWARDS

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

- Pamela Walker 5 Years Communications Officer
- Craig Johnson 15 Years Assistant Chief of Fire and EMS

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

- Kenneth Licklitter 5 Years Court Security
- Donald Hawkins 15 Years Court Security

RE: CONSENT AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Frame, 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
30033501-33250	Miscellaneous	\$ (59,164.00)	\$ (1,000.00)	\$ (60,164.00)
48150007-46800	Prog. Exp. - ED Workshops	7,577.00	1,000.00	8,577.00
30030006-33500	Donations - Animal Shelter	(131,403.02)	(6,624.00)	(138,027.02)
43520003-43115	Prof. Serv. - Emergency Vet	144,458.02	6,624.00	151,082.02
30052001-39900	Appropriated Fund Balance	(2,858,262.04)	(835.00)	(2,859,097.04)
45370001-46000	Office Supplies	4,500.00	835.00	5,335.00
30045003-35750	FA - DCJS - Comm. Atty.	0.00	(1,560.00)	(1,560.00)
42210002-46800	Forfeited Asset Expenses	6,159.00	1,560.00	7,719.00
30045003-35750	FA - DCJS - Comm. Atty.	0.00	(3,949.00)	(3,949.00)
42210002-46800	Forfeited Asset Expenses	6,159.00	3,949.00	10,108.00
30047004-37135	FA - Federal - Sheriff	0.00	(55,349.00)	(55,349.00)
43120006-46800	Forfeited Asset Expenses	24,644.00	55,349.00	79,993.00
TOTALS		\$ (2,855,332.04)	\$ 0.00	\$ (2,855,332.04)

RE: RENEWAL OF THE CONTRACT WITH HARRIS CORPORATION FOR THE P25 PUBLIC SAFETY RADIO SYSTEM

As part of the Consent Agenda, the Board authorized staff to renew the contract with Harris Corporation (HCCSS-00-18BD) for a one (1) year term, representing the first of four (4) possible renewals, as presented.

RE: RENEWAL OF THE CONTRACTS FOR AIRPORT ENGINEERING AND CONSULTING SERVICES

As part of the Consent Agenda, the Board authorized staff to renew contracts with Delta Airport Consultants, Inc. (DAC-00-17KH) and Talbert & Bright (TB-00-17KH) for professional airport engineering and consulting services for a one (1) year term, representing the third of four (4) possible renewals, as presented.

RE: RENEWAL OF THE CONTRACT WITH CHANGE HEALTHCARE FOR EMS BILLING AND COLLECTION SERVICES

As part of the Consent Agenda, the Board authorized staff to renew the contract with Change Healthcare (RQ10-1471-2-11A/4400001441) for a one (1) year term, per the terms of the original contract, as presented.

RE: RENEWAL OF THE CONTRACT WITH SHEEHY FORD FOR VEHICLE UPFITTING SERVICES

As part of the Consent Agenda, the Board authorized staff to renew the contract with Sheehy Ford of Richmond (SFR-00-16MA) for a one (1) year term, representing the fourth of four (4) possible renewals, as presented.

RE: CHANGES TO FAIR LABOR STANDARDS ACT (FLSA) DESIGNATIONS

As part of the Consent Agenda, the Board approved changes to the Position Classification List for the following, as presented:

- Victim-Witness Program Director to Exempt
- Human Resources Specialist to Non-Exempt

RE: APPROVAL OF THE JOB DESCRIPTION FOR LIBRARY ASSISTANT FOR CHILDREN'S PROGRAMS

As part of the Consent Agenda, the Board approved the job description for the Library Assistant for Children's Programs, as presented.

RE: NEW BUSINESS

RE: PUBLIC SAFETY FACILITY ROAD NAME

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board designated the name of the new road to the Public Safety Facility as *Government Center Drive*, as presented.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: MOU WITH MADISON COUNTY REGARDING JUDGE'S LEGAL ASSISTANT

Glenda Bradley, Assistant County Administrator for Management Services, explained that the addition of another judge for Virginia's 16th Judicial Circuit resulted in the re-allocation of jurisdictions to be served within the district. She noted that Orange County had historically been served by the same Circuit Court Judge as Madison and Greene Counties and the supporting legal assistant had been funded in equal thirds. Ms. Bradley indicated the hosting locality, which had been Greene County, would bill the other participating localities on an annual basis for reimbursement of the cost of the supporting legal assistant position, including salary and benefits.

Ms. Bradley noted that, because of the re-allocation of jurisdictions, the Hon. Judge Durrer would be serving Orange and Madison Counties only, effective July 1, 2019. Therefore, the costs associated with the supporting legal assistant position would be shared between Orange and Madison Counties only. She noted Judge Durrer suggested a 40% (Madison) and 60% (Orange) division of the costs based on the expected workload for each county.

Ms. Bradley presented a Memorandum of Understanding between Orange County and Madison County, which outlined the agreement for the new funding arrangements, adding that the MOU had already been approved by Madison County. She noted both the cost of the position and the estimated reimbursement from Madison County were included in the adopted FY20 budget.

Discussion ensued among the Board regarding: the determination for splitting the costs based on workload versus equally; and the ability to cancel the MOU.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding between Orange County and Madison County regarding the funding arrangements for the Legal Assistant to the Honorable Dale B. Durrer, a judge of the 16th Judicial Circuit Court serving the Counties of Orange and Madison, effective July 1, 2019, as presented.

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

RE: COUNTY ATTORNEY'S REPORT

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

RE: COUNTY ADMINISTRATOR'S REPORT

RE: 2019 VIRGINIA GENERAL ASSEMBLY UPDATE

R. Bryan David, County Administrator, provided an update on the final disposition of several legislative items of interest from the recent General Assembly Session.

The Board took the information regarding the General Assembly Update 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, THIRD QUARTER (Y1Q3) 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

Chairman White presented a request from the Chamber of Commerce for a resolution in support of its agricultural initiative, particularly highlighting the week of the Orange County Fair. The Board agreed to have staff draft a resolution for consideration at a future meeting.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report for May
- February 25, 2019 Health Center Commission Minutes
- February 27, 2019 Rappahannock Rapidan Regional Commission Minutes
- Finance Quarterly Report
- 2019 VPSA Refunding Bonds
- 2019 Moody's Investors Service; Issuer Comment

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Simon Gray as an At-Large (Orange County) Representative on the Germanna Community College Board for a four-year term, with said term commencing July 1, 2019, and expiring on June 30, 2023.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2019, June 2019, and July 2019.

RE: CLOSED MEETING

At 5:21 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 assignment and performance of specific public officers, appointees, or employees of the public body concerning Community Development. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion or consideration of the acquisition of real property for a public purpose, where 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 an open meeting would adversely affect the negotiating or litigating posture of the public body concerning a trash and debris violation. - §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 concerning Fire and EMS and historic districts. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), (A)(7), 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 7:00 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: PUBLIC COMMENT

At 7:00 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:00 p.m.

RE: PUBLIC HEARING #1; PROPOSED SECONDARY SIX-YEAR PLAN

Alyson Simpson, Chief Deputy Clerk, presented the draft Secondary Six-Year Plan to the Board for its consideration. She indicated that there had been no new projects added to the Plan this year and the projected funding allocation for Fiscal Year 2020 had been spread among the existing projects in order to expedite and advance delivery of those projects.

Discussion ensued among the Board regarding: overall improvements to transportation funding efforts across the Commonwealth.

At 7:12 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED SECONDARY SIX-YEAR PLAN

The Board of Supervisors, in accordance with §33.2-331 of the Code of Virginia, will conduct a joint public hearing with the Virginia Department of Transportation to receive comment on the County's proposed Secondary Six-Year Plan (SSYP) for Fiscal Years 2020 through 2025, and on the Secondary System Construction Budget for Fiscal Year 2020. All projects in the SSYP that are eligible for Federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate Federal transportation funds.

There being no speakers, Chairman White closed the Public Hearing at 7:12 p.m.

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

RESOLUTION TO ADOPT THE SIX-YEAR PLAN FOR SECONDARY ROADS FOR
FISCAL YEARS 2020 THROUGH 2025 AND THE SECONDARY SYSTEM CONSTRUCTION BUDGET
FOR FISCAL YEAR 2020

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a Public Hearing on the proposed Plan (for Fiscal Years 2020 through 2025 as well as the Secondary System Construction Budget for Fiscal Year 2020) on May 14, 2019, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, E. Alan Saunders, Louisa Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2020 through 2025 and the Secondary System Construction Budget for Fiscal Year 2020;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of May, 2019, that since said Plan appears to be in the best interests of the Secondary Road System in Orange County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan for Fiscal Years 2020 through 2025 and the Secondary System Construction Budget for Fiscal Year 2020 are hereby approved as presented at the Public Hearing.

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

RE: PUBLIC HEARING #2; REZ 19-02; DREW TAYLOR, ON BEHALF OF THOMAS H. BOND ET AL
Sandra Thornton, Planning Services Manager, presented the staff report and Rezoning request from Drew Taylor, on behalf of Thomas H. Bond Et Al Trs, which included information on the location and specifications of the subject property, the request for rezoning from Industrial to Agricultural on Tax Map No. 44-42, and the recommended action by the Planning Commission.

Drew Taylor, applicant, presented details on the requested rezoning, including the potential keeping of agricultural animals; width of the existing tree buffer; the proximity to other agricultural uses; and the fact this property had been zoned Industrial in the 1970s, but had always been used agriculturally.

At 7:23 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

REZ 19-02

The Board of Supervisors will consider an application by Drew Taylor, on behalf of Thomas H. Bond Et Al Trs, for a zoning map amendment for Tax Map No. 44-42, located off Old Gordonsville Road between the Woodcrest Subdivision and railroad right-of-way in the Town of Orange. The parcel is comprised of 28.45 acres and is proposed to be rezoned from Industrial to Agricultural to allow for construction of a residence and the potential keeping of animals. Most of the subject property is in the "Economic Development" designation on the Recommended Future Land Use Map, with a section being designated as "Town/Suburban."

There being no speakers, Chairman White closed the Public Hearing at 7:23 p.m.

Discussion ensued among the Board regarding: the purpose of rezoning the property; legacy zoning from the 1970s; potential industrial uses based on the proximity to the railroad; the variety of zoning and uses in the surrounding area; the need to take a comprehensive look at the zoning in the area surrounding the subject parcel; and the potential prohibiting of future growth in the area.

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

ORDINANCE APPROVING REZ 19-02 TO REZONE APPROXIMATELY 28.45 ACRES FROM
GENERAL INDUSTRIAL (I-2) TO AGRICULTURAL (A) FOR TAX MAP NO. 44-42

WHEREAS, Drew Taylor, on behalf of Thomas H. Bond Et Al Trs., has requested the rezoning of property identified as Tax Map No. 44-42, totaling approximately 28.45 acres, from General Industrial (I-2) to Agricultural (A) to allow for construction of a residence and the potential keeping of animals; and

WHEREAS, the request is pursuant to Sec. 70-191 of the Zoning Ordinance; and

WHEREAS, Planning staff recommended denial of the Rezoning request, citing non-conformance with good zoning practice and with the goals of the Comprehensive Plan; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Rezoning request on April 4, 2019; and

WHEREAS, the Planning Commission considered whether the Rezoning request 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 Rezoning request, considered comments received during the Public Hearing, and recommended approval of the Rezoning request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Rezoning request on May 14, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Rezoning request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 14th day of May, 2019, that the Orange County Board of Supervisors hereby approves REZ 19-02 to rezone approximately 28.45 acres from General Industrial (I-2) to Agricultural (A), for property identified as Tax Map No. 44-42.

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

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:50 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator