

TOWN OF ORANGE



COUNCIL MEETING PACKAGE

MONDAY, OCTOBER 16, 2023

7:00 P.M.



**Meeting Agenda
Monday, October 16, 2023
Town of Orange Community Meeting Room**

7:00 p.m.

1. Call to order by the Mayor.

2. Pledge of Allegiance.

3. Roll Call – Town Council:

Mayor Martha B. Roby
Vice-Mayor Frederick W. Sherman, Jr.
Councilmember Jason R. Cashell

Councilmember Jeremiah V. Pent
Councilmember Donna Waugh-Robinson

4. Adoption of Agenda

5. Public Hearing – Town Council will hold a Public Hearing on proposed Ordinance banning roosters within the Town limits.

[i] Consideration of Ordinance (ORD2023-04) banning roosters within the Town limits.

6. Public Comment - Town Council receives public input on issues concerning our citizens. Citizens are encouraged to sign-up prior to the meeting beginning and turn in slip to the Town Clerk.

7. Consideration of Town Council Meeting Minutes of September 18th and October 2nd, 2023.

8. Reports

[A] Finance Report – Director of Finance.

9. Unfinished Business:

[A] Discussion of proposal for Lafayette Street.

[B] New Member Pamphlet – Town Attorney

[C] Park Updates – Director of Community Development

10. New Business:

[A] Consideration of Resolution (RES2023-05) authorizing bringing a section of Route 20 under Town jurisdiction

[B] Consideration of date for December Town Council meeting

11. Adjournment.

PUBLIC HEARINGS



PUBLIC HEARING SUMMARY
October 16, 2023

AGENDA ITEMS: 5

Town Council will hold a Public Hearing on proposed Ordinance banning roosters within the Town limits.

SUMMARY:

- Please also see Ordinance (ORD2023-04) before Council banning roosters within Town limits.

PUBLIC HEARING OUTLINE:

1. Mayor calls for presentation. (*Town Attorney*)
2. Mayor declares the Public Hearing open and calls for public comment.
3. Mayor declares the Public Hearing closed.
4. Mayor Roby calls for questions/vote (if any) from Town Council.

MOTION:



**ORDINANCE
ORD2023-04**

Rooster Ban Ordinance

Sec. 10-5 – Keeping of roosters prohibited.

It shall be unlawful for any person to maintain, keep or harbor any rooster on any premises, whether his own or those of another, anywhere within the town. Only hens, no roosters shall be kept. Owners of roosters shall have until July 1, 2024, to come into compliance with this section.

C E R T I F I C A T E

I certify that the foregoing Ordinance was duly adopted by the Town Council of the Town of Orange on the 16th day of October, 2023.

Wendy J. Chewning, MMC, Town Clerk

MINUTES

Town Council Meeting Minutes
September 18, 2023
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The Orange Town Council held a regular meeting at 7 p.m., in the Town's Community Meeting Room. Town Council Members present were: Mayor Martha B. Roby, Vice-Mayor Frederick W. Sherman, Jr., and Councilmembers Jeremiah V. Pent, and Donna Waugh-Robinson. Staff members present were: Town Manager Gregory S. Woods, Town Clerk Wendy J. Chewning, MMC, Town Attorney Catherine Lea, Director of Finance Dianna Gomez, Director of Community Development John Cooley, Chief of Police Kiline Madison, and Lieutenant Rebecca Moody. Councilmember Jason R. Cashell was absent.

CALL TO ORDER

Mayor Roby led everyone in the Pledge of Allegiance.

The Mayor called the meeting to order at 7 p.m. The Town Clerk called roll and noted that there was a quorum present.

ADOPTION OF AGENDA

Motion was made by Vice-Mayor Sherman, seconded by Councilmember Waugh-Robinson, to adopt the agenda, as amended. On vote, Mayor Roby – aye, Vice-Mayor Sherman – aye, Councilmember Cashell – absent, Councilmember Pent – aye, and Councilmember Waugh-Robinson – aye. The motion carried unanimously.

PUBLIC COMMENT

Mayor Roby stated that the Council's agenda was long tonight, and that Public Comment was limited to three minutes per individual this evening.

Mr. Charlie Pitera – Just Orange Youth Ambassador requested that the Town of Orange Town Council consider adding a Skate Park at the old Gardener Property.

Miss Shayla Walters addressed safety issues that would come with a Skate Park. Miss Walters stated that the Park would be public and monitored by the Town Police Department and the Park location was right beside the Police Department.

Mrs. Dani Riveria representing Just Orange stated that everyone was in favor of the Skate Park and knew this was a big process to get moving along and to get the Environmental Study, but they were ready to undertake this and raise the money for the Park themselves if Council would approve this.

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TOWN COUNCIL CONSIDERED TOWN COUNCIL MEETING MINUTES OF AUGUST 21, 2023

Vice-Mayor Sherman requested that on page 4-1 that the Town Clerk note that Julia Lyman was not present at the meeting, her comment was in the form of an email.

Motion was made by Councilmember Waugh-Robinson, seconded by Vice-Mayor Sherman, to adopt the minutes of August 21, 2023, as amended. On vote: Mayor Roby – aye, Vice-Mayor Sherman – aye, Councilmember Cashell – absent, Councilmember Pent – aye, and Councilmember Waugh-Robinson – aye. The motion carried unanimously.

REPORTS

FINANCE REPORT

The Director of Finance stated that she would be reporting on the second month of FY24.

The Director of Finance reported that the General Fund Tax revenues included the following significant YTD favorable variances to budget: \$46K for Meals Tax. The Director of Finance stated that we had collected \$185K in Personal Property tax delinquencies.

The Director of Finance reported that in addition to the favorable tax revenue variances, interest income was \$44K favorable to budget due to rate increases and ARPA Fund deposits.

The Director of Finance reported that Water Sales Revenue through August was \$252K and revenue was in line with the budget.

The Director of Finance reported that Sewer Sales Revenue through August is \$376K and revenue was in line with the budget.

The Director of Finance reported that expenditures from the \$5.3M ARPA funding are \$736K ITD, of which \$102K went toward engineering services and equipment for the Liquid Feed project at the Water Plant, \$231K went toward the new SCADA system for the Sewer Plant and \$401K has gone to Standpipe Engineering services and a new generator, and \$3K had been used for the Macon Road Mixer. The Director of Finance stated that we had \$74K to submit to VDH for the Standpipe Construction.

The Director of Finance stated that staff had submitted an application for the Reconnecting Communities Planning Grant. The Director of Finance reported that this grant would provide safer and continuous walking, biking, and public access by creating an expanded Town Center.

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The Director of Finance gave a brief summary from the Virginia Investment Pool Quarterly report – Inflation increased 0.6% with gasoline prices accounting for over half the increase. The Director of Finance reported that the 12-month inflation number for August was 3.7%. The Director of Finance reported further that the Federal Reserve did not meet in August.

MISCELLANEOUS REPORTS

The Town Attorney reported on two recent FOIA cases which could have an impact on public business, what constitutes a meeting, and quorums at public events. The Town Attorney advised Council to be observant of quorums and meetings.

Mayor Roby stated that the Director of Community Development had put a short survey on the Town's website inquiring about what citizens would like to see on the Gardner Property.

UNFINISHED BUSINESS

TOWN COUNCIL CONSIDERED A DEED AND RESOLUTION CONVEYING PROPERTY IDENTIFIED AS TAX MAP NO. 044A40023300080 TO TREEMONT LLC

The Town Attorney stated that Town Council made a decision back on January 17, 2023, to declare a portion of said land Tax Map No. 044A40023300080 was declared surplus property per Va. Code §15.2-1800. The Town Attorney also stated that Town Council held a public hearing on January 7, 2023, regarding the sale of said parcel, having determined that the parcel was not in the public use.

The Town Attorney stated that before Council this evening was the consideration of a deed and resolution to convey to Treemont, LLC, the parcel containing 0.665 acres, by Deed upon the receipt of the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) and other consideration as agreed.

After discussion, motion was made by Vice-Mayor Sherman, seconded by Councilmember Pent, to authorize the execution of said deed and resolution for the sale of the Robinson Street Property No. 044A40023300080 to Treemont LLC, as presented. On vote: Mayor Roby – aye, Vice-Mayor Sherman – aye, Councilmember Cashell – absent, Councilmember Pent – aye, and Councilmember Waugh-Robinson – aye. The motion carried.

TOWN COUNCIL CONSIDERED A DEED AND RESOLUTION CONVEYING PROPERTY IDENTIFIED AS TAX MAP NO. 044A40023300070 TO TIGER FUEL COMPANY

The Town Attorney stated that Town Council made a decision back on January 17, 2023, to declare a portion of said land Tax Map No. 044A40023300070 was declared surplus property per Va. Code §15.2-1800. The Town Attorney also stated that Town Council held a public hearing

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on January 7, 2023, regarding the sale of said parcel, having determined that the parcel was not in the public use.

The Town Attorney stated that before Council this evening was the consideration of a deed and resolution to convey to Tiger Fuel Company, the parcel containing 0.544 acres, by Deed upon the receipt of the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) and other consideration as agreed.

After discussion, motion was made by Vice-Mayor Sherman, seconded by Councilmember Pent, to authorize the execution of said deed and resolution for the sale of the Robinson Street Property No. 044A40023300070 to Tiger Fuel Company, as presented. On vote: Mayor Roby – aye, Vice-Mayor Sherman – abstained, Councilmember Cashell – absent, Councilmember Pent – aye, and Councilmember Waugh-Robinson – aye. The motion carried with one member abstaining.

TOWN COUNCIL CONTINUED A DISCUSSION ON AN ORDINANCE PROHIBITING ROOSTERS IN THE TOWN

The Town Attorney presented a draft rooster ordinance to Town Council. After a lengthy discussion, it was the consensus of Town Council to authorize staff to advertise a Public Hearing for the regular October 16th Town Council meeting, advertising the intent to ban roosters within the Town.

NEW BUSINESS

TOWN COUNCIL CONSIDERED RESOLUTION (RES2023-04) AFFIRMING THE COMMITMENT TO FUND THE LOCALITIES SHARE OF THE IDENTIFIED REVENUE SHARING PROJECT

The Director of Community Development reported that VDOT required two actions from localities regarding revenue sharing projects. The Director of Community Development reported further that the first action VDOT required was that the revenue sharing projects and costs be included in the CIP and the second action was a resolution must be passed by Town Council which documented Town Council's knowledge of the projects, their agreement to fund the localities share of the projects cost, and to provide signature authority to the Town Manager for the project. The Director of Community Development stated this must be completed and submitted with the final revenue sharing application before October 2, 2023.

After discussion, motion was made by Councilmember Waugh-Robinson, seconded Vice-Mayor Sherman, to adopt Resolution (RES2023-04) affirming the commitment to fund the Localities share of the identified revenue sharing projects, as amended, correcting the spelling of Selma and including only Porterfield Drive and Rapidan Road as the Revenue Sharing Projects for FY2027 and FY2028. On vote: Mayor Roby – aye, Vice-Mayor Sherman – aye, Councilmember Cashell – absent, Councilmember Pent – aye, and Councilmember Waugh-Robinson – aye. The motion carried.

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PRESENTATION OF CAPITAL IMPROVEMENTS PROGRAM (CIP)

The Director of Community stated that the Town was lucky to have ARPA funds to spend on all of these upcoming projects and that these projects must take precedence. The Director of Community Development stated further that the Standpipe was a 540 day project.

TOWN COUNCIL CONSIDERED MUSIC IN THE PARK FOR THE 2024 CALENDAR YEAR

The Town Manager stated that staff got a report today from OEI Events (Galen Greenlaw) regarding the Town's 2023 Music in the Park Series. The Town Manager reported that we had more than 22,000 Social Media impressions, 11 Local Businesses with direct benefit participation, and over 1800 attendees. The Town Manager stated that staff was hoping to get approval tonight from Town Council to start moving on the 2024 Music in the Park. After discussion, it was the consensus of Council to put Music in the Park in the 2024 Budget.

TOWN COUNCIL DISCUSSED THE FIBERLYNC COMMITTEE ASSIGNMENT

Mayor Roby stated that she requested that this item be placed on the agenda to discuss the Orange County Broadband Authority appointing Councilmember Pent to an Orange County Broadband Authority committee assignment. Mayor Roby stated that she and Councilmember Pent had met regarding this and she had explained to Councilmember Pent that Town Council normally recommends to the Board of Supervisors their recommendation for a committee appointment.

Councilmember Pent stated that while campaigning for Town Council that he expressed his desire to see high-speed internet in Town and once elected pursued trying to move things along. Councilmember Pent stated further that he talked to Orange County about a Town Council member being on a Broadband committee, but his appointment was news to him.

After a lengthy discussion, Mayor Roby stated that we must all be working at the whole desire of Council. Mayor Roby also stated that the Town Manager made the executive decisions for the Town. Mayor Roby asked Councilmember Pent to please not act on behalf of the Council without authorization of the Council.

TOWN COUNCIL CONSIDERED A NEW LOGO SIGN IN THE COMMUNITY MEETING ROOM

Councilmember Pent stated that that he wanted to talk to Town Council about a more permanent and professional logo sign for the Community Meeting Room. After discussion, it was the consensus of Council to authorize Councilmember Pent to configure size and costs for the new logo sign and report back to Town Council at a later date.

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The Town Manager reported that flags with the new logo were being ordered for Public Works, Town Hall, Taylor Park, and the Police Department. The Town Manager stated that some would have to wait until next year's budget because flag poles had to be ordered too.

With no further business the meeting adjourned at 8:47 p.m.

Wendy J. Chewning, MMC
Town Clerk

Martha B. Roby, Mayor

Town Council Retreat Meeting Minutes
Monday, October 2, 2023
Page One

The Orange Town Council held a retreat meeting at 4:00 p.m. in the Town's Community Meeting Room. Present were: Mayor Martha B. Roby, Vice-Mayor Frederick W. Sherman, Jr., Councilmembers Jason Cashell, Jeremiah Pent (arrived 4:05 p.m.) and Donna Waugh-Robinson. Staff members present were Town Manager Gregory S. Woods, Town Clerk Wendy J. Chewning, MMC, Town Attorney Catherine Lea, Director of Public Works Larry Bond, Director of Community Development John Cooley, Director of Finance Dianna Gomez, Police Chief Kiline Madison, and Police Lieutenant Rebecca Moody.

CALL TO ORDER

Mayor Roby called the meeting to order. The Town Clerk called roll and noted that there was a quorum present.

COUNCIL RETREAT – GENERAL DISCUSSIONS OF TRASH, SIDEWALKS, PUBLIC WORKS UPCOMING PROJECTS, AND CURRENT STATUS ON ARPA PROJECTS

A general discussion was held by Town Council and staff on trash, sidewalks, Public Works upcoming projects, and current status of ARPA projects.

ACTION ITEMS TAKEN BY COUNCIL DURING RETREAT MEETING:

- It was the consensus of the Council to use Dark Blue for the new residential trash cans and dark grey for the new commercial trash cans with a white logo.
- The Director of Public Works stated that the plan was to have the new trash collection system active along with ordinances implemented by July 1, 2024.
- Town Council requested more time to think about the list of new sidewalks.
- The Director of Public Works outlined Public Works upcoming projects.
- The Director of Community Development outlined the status of current ARPA projects: Standpipe, Standpipe Phase II, Liquid Feed System, Millimeter Intake Screen, Sewer Engineering Projects, Twyman Street/Macon Road Water Line Connector, Meter Replacement Project, and Dark Fiber Project. The Director of Community Development stated that the contractor had requested a section of the road be closed from South Madison to Blue Ridge Drive because they needed more space for equipment. The Director of Community Development stated that staff would be talking to neighbors affected.

A 30-minute dinner break was held from 6:15 to 6:45 p.m.

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NEXT MEETING

Mayor Roby stated that due to the late hour she was recommending moving the rest of the agenda items to a later date. It was consensus of Council to move the discussions of the Economic Development Manager, ODA Contract, and New Member Pamphlet to the Monday, November 6th Town Council Work Session meeting at 5 p.m. It was also consensus to hold the Park Updates at the regular October 16th Town Council meeting.

With no further business to come before Council, the meeting was adjourned at 8:10 p.m.

Wendy J. Chewning, MMC, Town Clerk

Martha B. Roby, Mayor

FINANCE REPORT



Town of Orange
Director of Finance's Office

119 Belleview Avenue, Orange Virginia 22960 - 1401
Phone: (540) 672-1020 Fax: (540) 672-2821
Email - directoroffinance@townoforangeva.org

MEMORANDUM

TO: Mayor and Council Members
FROM: Dianna Gomez, Director of Finance
DATE: October 4, 2023
SUBJECT: Summary Financial Report – September 2023

The following is a summary report of the financial condition of the Town as of September 30, 2023, the third period of FY 2024 budget as approved and amended (amendments were made in August). This report covers 25% of the current fiscal year. Please review the attached schedules for specific category results.

General Fund

General Fund revenues year to date were \$1,460,834 or 15.66% of the FY 2024 annual budget. Referring to our annual projections spreadsheet (attached) the revenue position for the General Fund (excluding reserve usage) is \$133,662 higher than the budget.

Tax revenue for the month was \$240,962 of which 63% was derived from Meals Tax and 14% came from Local Sales Tax.

Year to date Tax revenue was \$90,840 higher than budget. This was driven by Meals Tax.

Year to date Interest Income was \$70,292 favorable to budget due to timing of ARPA spending.

Year to date General Fund expenditures were \$1,050,089 or 11.26% of the amount budgeted for FY 2024. Expenditures are in line for this period considering the timing of the debt payments.

Water Fund

Water Fund revenues year to date were \$402,735 or 5.95% of the annual budget. This is in line with the budget for the period. Water Availability fees are projected to pick up later in the year, so they are assumed to be in line with the budget at this time.

Year to date Water Fund expenditures of \$837,296 were 12.37% of the annual budget. Sludge treatment costs were high due to low water levels, but they are down to normal amounts due to the new pump. Other costs are in line with the budget for the period considering the timing of the debt payments.

"A Main Street Community"
&
"A Designated Enterprise Zone"

Waste Water Fund

Sewer Fund Revenues year to date were \$584,543 or 18.67% of the annual budget. Sewer revenue includes the offset to the higher Water Fund Sludge treatment costs which have dropped significantly due to the new pump. Sewer Availability fees are projected to pick up later in the year, so they are assumed to be in line with the budget at this time.

Year to date Sewer Fund expenditures of \$566,979 were at 18.11% of the annual budget. Costs are in line for this period considering the timing of the debt payments.

Cash Balances

The combined cash balance for the Town's Funds was \$9,432,791 with \$5,393,708 reserved for projects or dedicated to specific uses. The cash balance includes \$1,592,000 on deposit with the Virginia Investment Pool Trust Fund. Significant payments occurred in July for the US Bank loan.

Debt Balances

A summary of the Town's Debt as of September 30, 2023 is included with this report. The summary includes the significant debt payments.

**Town of Orange
Revenue Accounts
Month of September 2023**

Description	FY-2024 Budget	Actual Revenues			Projected		FY-2024 Variance to Budget
		Previous Months	Current Month	FY-2024 Year-To-Date	Remaining Months	FY-2024 Revenues	
General Fund							
Taxes							
Real Estate	635,000	7,115	2,699	9,815	635,000	644,815	9,815
Personal Property	195,000	5,377	2,857	8,235	195,000	203,235	8,235
Public Service Corp.	28,000	-	-	-	28,000	28,000	-
Delinquent	-	-	-	-	-	-	-
Cigarette	72,000	10,800	5,400	16,200	49,800	66,000	(6,000)
Bank Franchise	150,000	-	-	-	150,000	150,000	-
Utility Consumer	231,600	36,617	18,495	55,113	173,700	228,813	(2,787)
Electric Consumption	15,000	2,016	1,303	3,319	11,250	14,569	(431)
Local Sales	350,000	65,194	33,271	98,465	262,499	360,964	10,964
Motor Vehicle Registration Fees	95,000	4,576	2,267	6,843	93,500	100,343	5,343
Business & Prof. License	200	-	-	-	200	200	-
Meals	1,500,000	295,572	152,794	448,366	1,125,000	1,573,366	73,366
Transient/Occupancy	150,000	32,872	12,880	45,752	100,000	145,752	(4,248)
Communications	127,500	19,464	8,995	28,459	95,625	124,084	(3,416)
Sub-Total Taxes	3,549,300	479,604	240,962	720,566	2,919,574	3,640,140	90,840
Licenses & Permits							
Licenses & Permits	100	175	-	175	100	275	175
Sub-Total Licenses	100	175	-	175	100	275	175
Fines & Forfeitures							
Court Fines	86,000	15,674	9,856	25,530	64,499	90,029	4,029
Sub-Total Fines	86,000	15,674	9,856	25,530	64,499	90,029	4,029
Intergovernmental - State							
Skills Games Fee	1,800	-	-	-	1,350	1,350	(450)
Rolling Stock	6,600	7,235	-	7,235	-	7,235	635
Motor Vehicle Rental	-	5,962	2,296	8,258	-	8,258	8,258
Mobile Home (RV) Registration	-	-	-	-	-	-	-
Law Enforcement Assistance	117,460	572	441	1,013	117,460	118,473	1,013
PPTR Revenue	89,615	89,615	-	89,615	-	89,615	-
State Highway Maint. Fund	1,261,052	-	315,451	315,451	945,789	1,261,240	188
Misc. Grants - (DMV) Law Enf. OT	2,000	-	944	944	1,000	1,944	(56)
Litter Control Grant	3,745	-	-	-	3,745	3,745	-
Fire Programs Grant	19,108	-	21,972	21,972	-	21,972	2,864
Sub-Total Intergovernmental	1,501,380	103,384	341,104	444,488	1,069,344	1,513,832	12,451
Investments/Sales of Assets							
Interest Income	100,000	66,512	28,779	95,291	75,001	170,292	70,292
TowerCom Capital Lease	-	-	-	-	-	-	-
Sale of Surplus Property	-	1,750	-	1,750	-	1,750	1,750
Sales of Recycled Materials	-	-	-	-	-	-	-
Sub-Total Investments/Sales of Asset	100,000	68,262	28,779	97,041	75,001	172,042	72,042
User Fees							
Planning & Development Fees	2,500	25	175	200	2,000	2,200	(300)
Transit Collections	21,684	5,421	-	5,421	16,263	21,684	-
Porterfield Park Shelter	3,000	200	100	300	2,250	2,550	(450)
Depot Community Room	300	-	50	50	250	300	-
Public Works Community Room	3,300	100	-	100	2,475	2,575	(725)
Trash Collection - Commercial	50,000	9,156	4,684	13,840	37,499	51,339	1,339
Trash Collection - Residential	106,000	17,216	8,841	26,057	79,501	105,558	(442)
Taylor Park	50	84	-	84	50	134	84
Sub-Total User Fees	186,834	32,202	13,850	46,052	140,288	186,340	(494)
Miscellaneous Revenue							
Misc. General Fund Revenue	10,000	14,331	5,936	20,267	3,749	24,016	14,016
DMV Stop Fees	500	954	375	1,329	374	1,703	1,203
Administrative Fee	2,004	1,260	480	1,740	1,503	3,243	1,239
VRTA Reimbursements - TOOT	-	8,744	-	8,744	-	8,744	8,744
Expenditure Refunds	20,000	1,433	4,500	5,933	15,000	20,933	933
Internal Charges	413,328	68,888	34,444	103,332	309,996	413,328	-
ARPA - NEU FUNDS	-	-	-	-	-	-	-
Capital Fund (Real Estate Applied)	(121,337)	-	-	-	(121,337)	(121,337)	-
Add'l Transfers to Capital Fund	(3,573,840)	-	-	-	(3,573,840)	(3,573,840)	-
Reserve Fund	3,552,541	-	-	-	3,552,541	3,552,541	-
Sub-Total Miscellaneous	303,196	95,609	45,735	141,344	187,986	329,330	26,134

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**Town of Orange
Revenue Accounts
Month of September 2023**

Description	FY-2024 Budget	Actual Revenues			Projected		FY-2024 Variance to Budget
		Previous Months	Current Month	FY-2024 Year-To-Date	Remaining Months	FY-2024 Revenues	
Total General Fund	5,726,810	794,910	680,286	1,475,196	4,456,792	5,931,988	205,178
Capital Fund							
Byrd Street Project	-	-	-	-	-	-	-
VDOT - Paving Reimbursement	947,790	-	-	-	947,790	947,790	-
ISTEA Mainstreet Project	-	-	-	-	-	-	-
ISTEA Railroad Avenue	-	-	-	-	-	-	-
General Fund Capital Proceeds	121,337	-	-	-	121,337	121,337	-
Add'l Transfers from General Fund	2,531,120	-	-	-	2,531,120	2,531,120	-
Loan Proceeds	-	-	-	-	-	-	-
Capital Reserve Fund	-	-	-	-	-	-	-
Total Capital Fund	3,600,247	-	-	-	3,600,247	3,600,247	-
Net General Fund	9,327,057	794,910	680,286	1,475,196	8,057,039	9,532,235	205,178
Water Fund							
Investments/Sales of Assets							
Interest Income	20,000	4,474	2,098	6,571	14,999	21,570	1,570
Sale of Surplus Property	-	-	-	-	-	-	-
Sub-Total Investments/Asset Sales	20,000	4,474	2,098	6,571	14,999	21,570	1,570
Utility Revenues							
Water Sales	1,345,255	235,918	140,101	376,019	1,008,941	1,384,960	39,705
Water Availability	105,000	3,000	6,000	9,000	96,000	105,000	-
Water Reconnection Fees	20,000	3,650	1,950	5,600	14,999	20,599	599
Sub-Total Utility	1,470,255	242,568	148,051	390,619	1,119,940	1,510,559	40,304
Miscellaneous Revenue							
Miscellaneous Revenues	41,500	4,874	805	5,680	38,200	43,880	2,380
Expenditure Refunds	-	-	-	-	-	-	-
Water Fund Grant	2,658,204	-	-	-	2,658,204	2,658,204	-
Reserve Fund	2,579,733	-	-	-	2,579,733	2,579,733	-
Sub-Total Miscellaneous	5,279,437	4,874	805	5,680	5,276,137	5,281,817	2,380
Total Water Fund	6,769,692	251,916	150,954	402,870	6,411,076	6,813,947	44,254
Sewer Fund							
Investments/Sales of Assets							
Interest Income	-	-	-	-	-	-	-
Sub-Total Interest	-	-	-	-	-	-	-
Utility Revenues							
Sewer Sales	1,583,518	276,228	155,384	431,612	1,187,638	1,619,250	35,732
Sewer Availability	431,550	12,330	24,660	36,990	394,560	431,550	-
Sewer Sales - Sludge	60,000	43,899	11,489	55,387	45,000	100,387	40,387
Sub-Total Utility	2,075,068	332,456	191,533	523,989	1,627,198	2,151,187	76,120
Miscellaneous Revenue							
Miscellaneous Revenues	2,000	2,378	-	2,378	-	2,378	378
Nutrient Credit Exchange	4,500	6,981	-	6,981	-	6,981	2,481
Leachate Sales	100,000	21,400	11,900	33,300	66,700	100,000	0
Septic Hauling	52,000	12,472	5,422	17,894	37,001	54,895	2,895
Expenditure Refunds	-	-	-	-	-	-	-
Transfers	1,042,660	-	-	-	1,042,660	1,042,660	-
Reserve Fund	(145,144)	-	-	-	(145,144)	(145,144)	-
Sub-Total Miscellaneous	1,056,016	43,231	17,322	60,553	1,001,217	1,061,770	5,754
Total Sewer Fund	3,131,084	375,688	208,855	584,542	2,628,415	3,212,958	81,874
Total Revenues	19,227,833	1,422,514	1,040,095	2,462,609	17,096,531	19,559,139	331,306

TOWN OF ORANGE

Fund Balances

The following numbers represent our best estimates of
unencumbered fund balances (cash) as of September 30, 2023:

	Cash Balance	Encumbered	Unencumbered Balance
General Fund	\$ 8,259,735	\$ -	\$ 8,259,735
Capital Improvement Fund	(2,404,620)	2,054,189	(4,458,809)
Water Fund	4,514,614	2,190,582	2,324,032
Sewer Fund	(1,116,894)	968,982	(2,085,876)
Water Deposit Fund	99,451	99,451	-
Taylor Park Fund	73,532	73,532	-
Grant Fund	6,972	6,972	-
Totals	<u>\$ 9,432,791</u>	<u>\$ 5,393,708</u>	<u>\$ 4,039,082</u>

Town Debt Service
As of September 30, 2023

	Original Debt	Principal @ 06/30/2023	FY - 2023 Principal & Interest			Principal Remaining
			Budgeted	Paid	Remaining	
<u>General Fund</u>						
Route 20 Expansion	\$ 1,372,000	\$ 182,000	\$ 92,412	\$ 91,466	\$ 947	\$ 92,400
Public Works Center	\$ 931,000	\$ 123,500	\$ 62,709	\$ 62,066	\$ 643	\$ 62,700
Debt Service Activity	\$ 2,303,000	\$ 305,500	\$ 155,121	\$ 153,531	\$ 1,590	\$ 155,100
<u>Water Fund</u>						
Macon Road Tank	\$ 392,000	\$ 52,000	\$ 26,404	\$ 26,133	\$ 271	\$ 26,400
Raw Water Storage Basin	\$ 2,196,000	\$ 1,126,000	\$ 134,989	\$ 74,292	\$ 60,698	\$ 1,068,200
Debt Service Activity	\$ 2,588,000	\$ 1,178,000	\$ 161,393	\$ 100,425	\$ 60,969	\$ 1,094,600
<u>Sewer Fund</u>						
Wastewater Treatment Plant Upgrade	\$ 2,009,000	\$ 266,500	\$ 135,318	\$ 133,932	\$ 1,386	\$ 135,300
New WWTP - Total /Cumulative Debt	\$ 15,882,032	\$ 8,128,807	\$ 650,304	\$ -	\$ 650,304	\$ 8,128,807
Debt Service Activity	\$ 17,891,032	\$ 8,395,307	\$ 785,622	\$ 133,932	\$ 651,690	\$ 8,264,107
Total Debt Service	\$ 22,782,032	\$ 9,878,807	\$ 1,102,136	\$ 387,888	\$ 714,249	\$ 9,513,807

Town of Orange
 ARPA Funds (Including VDH ARPA Funds)
 As of September 30, 2023

		<u>Funds Received</u>	<u>Funds Spent</u>	<u>Remaining Funds</u>
Standpipe -	Engineering	342,000.00	(339,939.00)	2,061.00
	Generator	61,057.00	(61,057.00)	-
	Construction	1,864,914.00	(256,764.75)	1,608,149.25
	Construction Contingency	466,229.00		466,229.00
	Sub-Total	2,734,200.00	(657,760.75)	2,076,439.25
Standpipe -	Reservoir	200,000.00	-	200,000.00
	Pump Station	75,000.00	-	75,000.00
	Reservoir Mixer	50,000.00	-	50,000.00
Macon Road Mixer		65,000.00	(2,500.00)	62,500.00
Water Line (NS Railroad)		150,000.00	-	150,000.00
Fiber Optics		1,000,000.00	-	1,000,000.00
Waste Water Sludge Truck		126,000.00	-	126,000.00
Wast Water Scada System		231,132.00	(231,132.00)	-
Liquid Feed System -	Engineering	79,500.00	(79,500.00)	-
	Emergency System	22,194.00	(22,194.00)	-
	Building	500,000.00		500,000.00
Sewer Lines Engineering -	Greenfields	479,375.00	(37,285.04)	442,089.96
	Houseworth	165,575.00	(14,440.63)	151,134.37
	Brizzolara	271,710.00	(21,952.26)	249,757.74
Water Plant -	Millimeter Screen	500,000.00		500,000.00
	125 HP Intake Pump	200,000.00	(60,855.00)	139,145.00
Water Line Meters Replacement -		1,137,498.00		1,137,498.00
	Total	7,987,184.00	(1,066,764.68)	6,859,564.32

FINANCIAL STATEMENT ENDING

September, 2023

**Town of Orange
Financial Statement
September, 2023
25% of Budget Year
Fund Summaries**

REVENUES

FUND	FY-2024 BUDGET		COLLECTED MTD	COLLECTED YTD	PERCENT COLLECTED	REMAINING BALANCE
	ORIGINAL	CHANGES				
GENERAL	5,508,306.00	315,000.00	675,308.56	1,460,834.01	15.66%	4,362,471.99
GF-CAP IMPROVEMENTS	1,252,189.00	2,251,562.00	-	-		3,503,751.00
WATER	1,519,990.00	5,249,702.00	150,908.57	402,735.37	5.95%	6,366,956.63
SEWER	2,088,424.00	1,042,660.00	208,854.95	584,542.45	18.67%	2,546,541.55
GRANTS/SPECIAL REVENUE	-	-	4,943.83	14,262.28	0.00%	(14,262.28)
WATER DEPOSIT	-	-	45.26	134.77	0.00%	(134.77)
TAYLOR PARK	-	-	33.50	99.60	0.00%	(99.60)
TOTAL	\$ 10,368,909.00	\$ 8,858,924.00	\$ 1,040,094.67	\$ 2,462,608.48	N/A	\$ 16,765,224.52

Note: A () in Remaining Balance means that we have collected more than anticipated.

EXPENDITURES

FUND	FY-2024 BUDGET		EXPENSED MTD	EXPENSED YTD	PERCENT EXPENSED	REMAINING BALANCE
	ORIGINAL	CHANGES				
GENERAL	5,508,306.00	315,000.00	363,674.04	1,405,713.95	15.20%	4,417,592.05
GF-CAP IMPROVEMENTS	1,252,189.00	2,251,562.00	3,567.35	11,616.69		3,492,134.31
WATER	1,519,990.00	5,249,702.00	416,922.99	837,295.96	12.37%	5,932,396.04
SEWER	2,088,424.00	1,042,660.00	211,480.84	566,979.41	18.11%	2,564,104.59
GRANTS/SPECIAL REVENUE	-	-	4,783.50	9,223.69	0.00%	(9,223.69)
WATER DEPOSIT	-	-	-	-	0.00%	-
TAYLOR PARK	-	-	-	-	0.00%	-
TOTAL	\$ 10,368,909.00	\$ 8,858,924.00	\$ 1,000,428.72	\$ 2,830,829.70	N/A	\$ 16,397,003.30

NOTE: A () in Remaining Balance means we have spent more than what we planned

**Town of Orange
Financial Statement
September, 2023
25% of Budget Year
General Fund**

REVENUES

DESCRIPTION	FY-2024 BUDGET		COLLECTED MTD	COLLECTED YTD	PERCENT COLLECTED	REMAINING BALANCE
	ORIGINAL	CHANGES				
LOCAL TAXES	3,549,300.00	-	240,962.26	720,565.91	20.30%	2,828,734.09
LICENSES & PERMITS	100.00	-	-	50.00	50.00%	50.00
FINES	86,000.00	-	9,855.98	25,530.38	29.69%	60,469.62
STATE FUNDS	1,307,380.00	194,000.00	340,789.50	443,703.30	29.55%	1,057,676.70
INV / SALE OF ASSETS	-	-	-	-	0.00%	0.00
USER FEES	186,834.00	-	13,850.07	46,142.96	24.70%	140,691.04
MISCELLANEOUS	545,832.00	-	69,850.75	224,841.46	41.19%	320,990.54
ARPA - NEU FUNDS	-	-	-	-	0.00%	0.00
RESERVE FUND	785,199.00	2,767,342.00	-	-	0.00%	3,552,541.00
TRANSF TO CAP. IMPROVEM.	(952,339.00)	(2,646,342.00)	-	-	0.00%	(3,598,681.00)
TOTAL	\$ 5,508,306.00	\$ 315,000.00	\$ 675,308.56	\$ 1,460,834.01	25.09%	\$ 4,362,471.99

Note: A () in Remaining Balance means that we have collected more than anticipated.

EXPENDITURES

DEPARTMENT	FY-2024 BUDGET		EXPENSED MTD	EXPENSED YTD	PERCENT EXPENSED	REMAINING BALANCE
	ORIGINAL	CHANGES				
LEGISLATIVE	123,442.00	-	1,873.78	13,284.29	10.76%	110,157.71
TOWN MANAGER	438,078.00	-	26,910.33	85,407.10	19.50%	352,670.90
TOWN ATTORNEY	38,500.00	-	-	3,495.00	9.08%	35,005.00
FINANCE DEPARTMENT	413,500.00	-	28,644.93	90,025.67	21.77%	323,474.33
ELECTIONS	-	-	-	-	0.00%	0.00
POLICE DEPARTMENT	1,749,188.00	-	135,675.81	436,720.35	24.97%	1,312,467.65
FIRE AND RESCUE	56,341.00	-	-	40,000.00	71.00%	16,341.00
PUBLIC WORKS	1,540,381.00	315,000.00	107,945.95	299,649.90	16.15%	1,555,731.10
TRASH COLLECTION	274,371.00	-	16,616.01	61,230.12	22.32%	213,140.88
MUNICIPAL BUILDING	47,719.00	-	7,768.29	27,096.52	56.78%	20,622.48
DEPOT	16,000.00	-	950.50	4,410.63	27.57%	11,589.37
TRANSPORTATION SYSTEM	120,852.00	-	-	30,212.75	25.00%	90,639.25
PARKS AND GROUNDS	27,000.00	-	1,639.10	6,557.51	24.29%	20,442.49
COMMUNITY DEVELOPMENT	267,186.00	-	13,938.71	37,042.70	13.86%	230,143.30
NON-DEPT - DEBT & OTHER	395,748.00	-	21,710.63	270,581.41	68.37%	125,166.59
NON-DEPT - DONATIONS	-	-	-	-	0.00%	0.00
NON-DEPT - CAPITAL	-	-	-	-	0.00%	0.00
TOTAL	\$ 5,508,306.00	\$ 315,000.00	\$ 363,674.04	\$ 1,405,713.95	24.14%	\$ 4,417,592.05

NOTE: A () in Remaining Balance means we have spent more than what we planned

Town of Orange
Financial Statement
September, 2023
25% of Budget Year
General Fund - Capital Improvements

REVENUES

DESCRIPTION	FY-2024 BUDGET		COLLECTED MTD	COLLECTED YTD	PERCENT COLLECTED	REMAINING BALANCE
	ORIGINAL	CHANGES				
TRANSFER FROM GENERAL	952,279.00	1,603,682.00	-	-	0.00%	2,555,961.00
STATE FUNDS	299,910.00	647,880.00	-	-	0.00%	947,790.00
MISCELLANEOUS	-	-	-	-	0.00%	0.00
MADISON/MAIN STREET SIGNAL LIGH	-	-	-	-	0.00%	0.00
TOTAL	\$ 1,252,189.00	\$ 2,251,562.00	\$ -	\$ -	0.00%	\$ 3,503,751.00

Note: A () in Remaining Balance means that we have collected more than anticipated.

EXPENDITURES

DEPARTMENT	FY-2024 BUDGET		EXPENSED MTD	EXPENSED YTD	PERCENT EXPENSED	REMAINING BALANCE
	ORIGINAL	CHANGES				
ROAD PROJECTS	599,189.00	1,158,562.00	2,280.00	3,921.25	0.22%	1,753,829.75
MACHINERY & EQUIPMENT	598,000.00	93,000.00	-	-	0.00%	691,000.00
MADISON/MAIN STREET SIGNAL LIGH	-	-	-	-	0.00%	0.00
COMPUTERS	30,000.00	-	480.00	6,888.09	22.96%	23,111.91
FIBER OPTICS BACKBONE (ARPA)	-	1,000,000.00	-	-	0.00%	1,000,000.00
CELL TOWER	-	-	-	-	0.00%	0.00
COMMUNITY ROOM SOUND SYSTEM	25,000.00	-	807.35	807.35	3.23%	24,192.65
TOTAL	\$ 1,252,189.00	\$ 2,251,562.00	\$ 3,567.35	\$ 11,616.69	0.33%	\$ 3,492,134.31

NOTE: A () in Remaining Balance means we have spent more than what we planned

Financial Statement
September, 2023
25% of Budget Year
Water Fund

REVENUES

DESCRIPTION	FY-2024 BUDGET		SALES MTD	SALES YTD	PERCENT COLLECTED	REMAINING BALANCE
	ORIGINAL	CHANGES				
TRANSFER FROM GENERAL	-	-	-	-	0.00%	-
INV/ SALE OF ASSETS	-	-	-	-	0.00%	-
WATER SALES	1,345,255.00	-	140,100.97	376,019.01	27.95%	969,235.99
WATER AVAILABILITY	105,000.00	-	6,000.00	9,000.00	8.57%	96,000.00
WATER RECONNECTIONS	20,000.00	-	1,950.00	5,600.00	28.00%	14,400.00
EXPENDITURE REFUNDS	-	-	-	-	0.00%	-
MISCELLANEOUS	61,500.00	-	2,857.60	12,116.36	19.70%	49,383.64
ARPA - NEU FUNDS	-	2,658,204.00	-	-	0.00%	2,658,204.00
RESERVE FUND	(11,765.00)	2,591,498.00	-	-	0.00%	2,579,733.00
TOTAL	\$ 1,519,990.00	\$ 5,249,702.00	\$ 150,908.57	\$ 402,735.37	5.95%	\$6,366,956.63

Note: A () in Remaining Balance means that we have collected more than anticipated.

DEPARTMENT	FY-2024 BUDGET		EXPENSED MTD	EXPENSED YTD	PERCENT EXPENSED	REMAINING BALANCE
	ORIGINAL	CHANGES				
WATER/SEWER LINE PROJ.	-	5,210,702.00	243,256.84	320,119.75	6.14%	4,890,582.25
WATER TREATMENT	1,087,779.00	-	126,127.94	335,718.31	30.86%	752,060.69
WATER DISTRIBUTION	270,778.00	39,000.00	47,538.21	81,033.40	26.16%	228,744.60
NON-DEPT - DEBT & OTHER	161,433.00	-	-	100,424.50	62.21%	61,008.50
TOTAL	\$ 1,519,990.00	\$ 5,249,702.00	\$ 416,922.99	\$ 837,295.96	\$ 1.25	\$ 5,932,396.04

**Town of Orange
Financial Statement
September, 2023
25% of Budget Year
Sewer Fund**

REVENUES

DESCRIPTION	FY-2024 BUDGET		COLLECTED MTD	COLLECTED YTD	PERCENT COLLECTED	REMAINING BALANCE
	ORIGINAL	CHANGES				
LICENSES & PERMITS	-	-	-	-	0.00%	-
TRANSFER FROM GENERAL	-	-	-	-	0.00%	-
SEWER SALES	1,583,518.00	-	155,384.28	431,611.83	27.26%	1,151,906.17
SEWER AVAILABILITY FEES	431,550.00	-	24,660.00	36,990.00	8.57%	394,560.00
SEWER SALES - SLUDGE	60,000.00	-	11,488.52	55,387.23	92.31%	4,612.77
NUTRIENT CREDIT	4,500.00	-	-	6,981.30	155.14%	(2,481.30)
LEACHATE	100,000.00	-	11,899.90	33,300.30	33.30%	66,699.70
SEPTIC HAULING	52,000.00	-	5,422.25	17,894.24	34.41%	34,105.76
MISCELLANEOUS	2,000.00	-	-	2,377.55	118.88%	(377.55)
RESERVE FUND	(145,144.00)	-	-	-	0.00%	(145,144.00)
TRANSFER FROM GENERAL	-	1,042,660.00	-	-	-	-
TOTAL	\$ 2,088,424.00	\$ 1,042,660.00	\$ 208,854.95	\$ 584,542.45	18.67%	\$ 1,503,881.55

Note: A () in Remaining Balance means that we have collected more than anticipated.

EXPENDITURES

DEPARTMENT	FY-2024 BUDGET		EXPENSED MTD	EXPENSED YTD	PERCENT EXPENSED	REMAINING BALANCE
	ORIGINAL	CHANGES				
SEWER TREATMENT	1,092,004.00	-	116,568.94	303,883.83	27.83%	788,120.17
SEWER COLLECTION	210,708.00	-	21,233.97	55,486.02	26.33%	155,221.98
NON-DEPT - DEBT & OTHER	785,712.00	-	-	133,931.63	17.05%	651,780.37
CAPITAL OUTLAYS - ARPA	-	1,042,660.00	73,677.93	73,677.93	7.07%	968,982.07
TOTAL	\$ 2,088,424.00	\$ 1,042,660.00	\$ 211,480.84	\$ 566,979.41	18.11%	\$ 2,564,104.59

NOTE: A () in Remaining Balance means we have spent more than what we planned

BILLS AND CLAIMS

For the month September, 2023

**TOWN OF ORANGE
CHECK REGISTER**

SEPTEMBER 1 - 30, 2023

Check #	Check Date	Vendor Name	Net Amount
1186	9/22/2023	LOUISA JDR DISTRICT COURT	\$ 97.26
1187	9/22/2023	LOUISA GENERAL DISTRICT COURT	260.42
1188	9/22/2023	CULPEPER GEN DISTRICT COURT	205.83
1189	9/22/2023	CHARLOTTESVILLE GEN DIST COURT	157.11
9123	9/22/2023	ANTHEM BLUE CROSS & BLUE SHIELD	56,233.00
9223	9/22/2023	TREASURER OF VIRGINIA	52,534.78
9323	9/22/2023	EMPOWER RETIREMENT	800.00
9423	9/22/2023	MISSIONSQUARE RETIREMENT	676.15
9523	9/22/2023	MISSIONSQUARE RETIREMENT	498.09
9623	9/22/2023	MISSIONSQUARE RETIREMENT	676.15
9723	9/22/2023	MISSIONSQUARE RETIREMENT	498.09
34414	9/5/2023	ADT SECURITY SERVICES	63.86
34415	9/5/2023	AMERICAN GREEN	79.00
34416	9/5/2023	TRUIST	2,622.28
34417	9/5/2023	BMS DIRECT	868.38
34418	9/5/2023	CENTRAL VIRGINIA ELECTRIC COOP	257.71
34419	9/5/2023	AT&T MOBILITY	1,555.19
34420	9/5/2023	COECO FINANCIAL SERVICES	640.32
34421	9/5/2023	COMMONWEALTH UNDERGROUND LLC	3,500.00
34422	9/5/2023	COMPANION LIFE INSURANCE	231.00
34423	9/5/2023	CRICKENBERGER, TRAVIS	25.00
34424	9/5/2023	TREASURER OF VIRGINIA	10,225.00
34425	9/5/2023	DODSON, JEFFREY N	2,500.00
34426	9/5/2023	DOMINION ENERGY VIRGINIA	18,661.51
34427	9/5/2023	DIX, JR JAMES A	1,237.50
34428	9/5/2023	EZ PERFORMANCE CENTER	15.44
34429	9/5/2023	HOLTZMAN OIL CORP	235.92
34430	9/5/2023	JIM'S ELECTRIC MOTOR CO., INC	3,329.00
34431	9/5/2023	ORANGE TIRE INC	338.00
34432	9/5/2023	PACE ANALYTICAL SERVICES, INC	513.00
34433	9/5/2023	PIEDMONT POWER	117.72
34434	9/5/2023	RINKER DESIGN ASSOCIATES, P.C.	1,015.00
34435	9/5/2023	RIDGEVIEW NEW HOLLAND, INC	110.07
34436	9/5/2023	ROSEMOUNT, INC.	1,280.58
34437	9/5/2023	W.A. SHERMAN COMPANY	125.00
34438	9/5/2023	STEROBEN ASSOCIATES	4,090.00
34439	9/5/2023	TOTAL ENVIRONMENTAL CONCEPTS	3,680.00
34440	9/5/2023	NICHOLSON, DANIELLE	89.60
34441	9/5/2023	BLANTON, WENDY	109.64

34442	9/5/2023	BUHLE, KAREN DENISE	38.62
34443	9/5/2023	QUARLES, BRIGIC	68.04
34444	9/5/2023	RUGGE, KIERSTIN N	14.14
34445	9/5/2023	WATERS, WHITLEY	150.00
34446	9/5/2023	UNIVAR SOLUTIONS	12,647.00
34447	9/5/2023	USABLUBOOK	3,266.85
34448	9/5/2023	VACORP	200.65
34449	9/5/2023	VUPS	66.84
34450	9/5/2023	CHEWNING, WENDY	90.00
34451	9/8/2023	ADT SECURITY SERVICES	42.99
34452	9/8/2023	AMAZON CAPITAL SERVICES	2,191.28
34453	9/8/2023	CINTAS CORPORATION #385	2,941.68
34454	9/8/2023	COMCAST	513.36
34455	9/8/2023	CORE & MAIN LP	148.21
34456	9/8/2023	CRYSTAL SPRINGS	9.00
34457	9/8/2023	DMV	700.00
34458	9/8/2023	DIX, JR JAMES A	5,584.33
34459	9/8/2023	ENVIRONMENTAL SYSTEMS SERVICE	150.00
34460	9/8/2023	FAYE'S OFFICE SUPPLY	1,220.15
34461	9/8/2023	FORTILINE INC	4,763.86
34462	9/8/2023	HOLTZMAN OIL CORP	298.08
34463	9/8/2023	HUD	4.27
34464	9/8/2023	JOHNSTON CONSTRUCTION COMPANY	182,401.84
34465	9/8/2023	LACY'S FLORIST	81.99
34466	9/8/2023	MADISON FORD	564.98
34467	9/8/2023	MICROSOFT	480.00
34468	9/8/2023	MID-ATLANTIC WASTE SYSTEMS	240.76
34469	9/8/2023	OEI EVENTS	5,000.00
34470	9/8/2023	ORANGE MOTOR SPECIALTY	101.83
34471	9/8/2023	ORANGE TIRE INC	2,370.00
34472	9/8/2023	O'REILLY	230.49
34473	9/8/2023	PACE ANALYTICAL SERVICES, INC	178.00
34474	9/8/2023	PRIVA MEDICAL GROUP LLC	40.00
34475	9/8/2023	DONALD B. RICE TIRE CO., INC	774.12
34476	9/8/2023	SEDWICK	907.07
34477	9/8/2023	W.A. SHERMAN COMPANY	100.00
34478	9/8/2023	SYDNOR HYDRO INC.	66,446.66
34479	9/8/2023	THE SUPPLY ROOM	101.18
34480	9/8/2023	TIMOTHY S MILLER	2,000.00
34481	9/8/2023	TOWN OF ORANGE	2,972.20
34482	9/8/2023	TRANSAMERICA EMPLOYEE BENEFITS	1,241.30
34483	9/8/2023	UNIVAR SOLUTIONS	12,647.00
34484	9/8/2023	USABLUBOOK	100.50
34484	9/8/2023	USABLUBOOK	20.95
34485	9/8/2023	VAMAC, INC	142.41
34486	9/8/2023	VERIZON	1,559.66
34487	9/8/2023	WAYNE OXYGEN & WELDING SUPPLY	29.76

34488	9/8/2023	XYLEM DEWATERING SOLUTIONS, IN	9,906.80
34489	9/13/2023	CEDAR MOUNTAIN STONE CORP	2,472.81
34490	9/13/2023	CORE & MAIN LP	3,844.60
34491	9/13/2023	FISHER AUTO PARTS	1,877.29
34492	9/13/2023	ORANGE COUNTY LANDFILL	6,886.88
34493	9/13/2023	TRACTOR SUPPLY CREDIT PLAN	1,196.44
34494	9/13/2023	UNIVERSITY OF VIRGINIA	500.00
34495	9/26/2023	ACCESS TELECOM INC	10,700.00
34496	9/26/2023	ADT SECURITY SERVICES	215.92
34497	9/26/2023	ADVANCE AUTO PARTS	196.37
34498	9/26/2023	AFLAC	1,357.30
34499	9/26/2023	ALLIED CONCRETE CO	1,068.00
34500	9/26/2023	AMOS APPAREL	2,814.20
34501	9/26/2023	CAT6 COMMUNICATONS LLC	807.35
34502	9/26/2023	CCLS INCORPORATED	80.93
34502	9/26/2023	CCLS INCORPORATED	99.98
34503	9/26/2023	CHEMUNG CONTRACTING CORP	796.90
34504	9/26/2023	AT&T MOBILITY	827.14
34505	9/26/2023	COECO FINANCIAL SERVICES	640.32
34506	9/26/2023	COMCAST	837.77
34507	9/26/2023	COMCAST	605.50
34507	9/26/2023	COMCAST	290.53
34508	9/26/2023	COMMONWEALTH ENGINEERING &	1,417.17
34509	9/26/2023	CORE & MAIN LP	17,600.00
34510	9/26/2023	DELL MARKETING L.P.	2,961.96
34511	9/26/2023	DODSON, JEFFREY N	2,500.00
34512	9/26/2023	DOMINION ENERGY VIRGINIA	42,732.25
34513	9/26/2023	DIX, JR JAMES A	2,089.00
34514	9/26/2023	FORTILINE INC	3,678.80
34515	9/26/2023	GOMEZ, DIANNA	87.57
34516	9/26/2023	GRAINGER	251.72
34517	9/26/2023	HIGHWAY MOTORS	577.52
34518	9/26/2023	IDEXX DISTRIBUTION, INC	331.06
34519	9/26/2023	MADISON FORD	449.64
34520	9/26/2023	MASON INSURANCE AGENCY	4,646.36
34521	9/26/2023	NATIONAL CHILD SAFETY COUNCIL	660.00
34522	9/26/2023	EVERGRO COOPERATIVE	239.96
34523	9/26/2023	ORANGE TIRE INC	145.00
34524	9/26/2023	SHEENA PAYETTE	124.45
34525	9/26/2023	PIEDMONT POWER	31.94
34526	9/26/2023	PRIVA MEDICAL GROUP LLC	180.00
34527	9/26/2023	PT ARMOR INC	35.00
34528	9/26/2023	RINKER DESIGN ASSOCIATES, P.C.	74,942.93
34529	9/26/2023	RENTEQUIP	2,916.00
34530	9/26/2023	DONALD B. RICE TIRE CO., INC	639.12
34531	9/26/2023	RICHMOND MACHINERY	56.12
34532	9/26/2023	RAPIDAN SERVICE AUTHORITY	17.68

34533	9/26/2023	SOSMETAL PRODUCTS INC	110.89
34534	9/26/2023	SOUTHERN STATES	19,283.22
34535	9/26/2023	KIM STRAWSER	349.50
34536	9/26/2023	THE DAILY PROGRESS	162.50
34537	9/26/2023	TREASURER OF VIRGINIA	690.00
34538	9/26/2023	UNIVAR SOLUTIONS	10,083.25
34539	9/26/2023	USABBLUEBOOK	120.60
34540	9/26/2023	VIRGINIA BUSINESS SYSTEMS	197.74
34541	9/26/2023	VIRGINIA STATE CRIME CLINIC	100.00
34542	9/26/2023	VRSA	3,530.00
34543	9/26/2023	CHEWNING, WENDY	24.89
34544	9/26/2023	S.L. WILLIAMSON COMPANY, INC	355.31

\$ 728,336.83

UNFINISHED BUSINESS



UNFINISHED BUSINESS SUMMARY
October 16, 2023

AGENDA ITEM: 9A

Discussion of proposal for Lafayette Street.

SUMMARY:

- Please find attached memorandum from the Town Manager.
- Please also information resubmitted from Mr. Kent Higginbotham.



**Town of Orange
Town Manager's Office**

119 Bellevue Avenue, Orange Virginia 22960 - 1401
Phone: (540) 672-5005 Fax: (540) 672-4435
Email - townmanager@townoforangeva.org

MEMORANDUM

TO: Council Members
FROM:  Greg Woods, Town Manager
DATE: October 5, 2023
SUBJECT: Lafayette Street

I have received a repeat of the proposal for the purchase of Lafayette Street from Mr. Higginbotham in December 2021. I did not receive any cover letter and assume that he wants the proposal resubmitted.

The proposal (attached) is in the form of a real estate contract of purchase. A response to Mr. Higginbotham dated 4/21/2022 which stated apportion of the property is not surplus is also attached as well as a chronology of the prior discussions regarding this provided by the Town Attorney.

This item is placed on the agenda to determine what actions the Council may want Staff to pursue at this time.

Thanks,

Greg

**"A Main Street Community"
&
"A Designated Enterprise Zone"**

6-2

REAL ESTATE CONTRACT OF PURCHASE

This CONTRACT OF PURCHASE made as of the December 2, 2021 by and between **Town of Orange**, 119 Bellevue Avenue, Orange, Virginia 22960, (herein called "Seller"), and **Kent C. Higginbotham**, or assigns, 150 Blue Ridge Drive, Orange, Va. 22960 (herein called "Purchaser"), provides that Purchaser agrees to buy and Seller agrees to sell the following described real estate located in the Town of Orange, Virginia (herein called "the property"):

All that certain parcel of land designated as **236 Lafayette Street in the Town of Orange, Virginia, 22960**, containing three parcels totaling **approximately 7.943** acres together with all improvements and appurtenances and further designated as Deed Book 639-91 and Tax Map# Lot 44A2(9) BK 31-4A, 13 in and Plat in PC-H-40 and 44A2 (9) BK 31-4B in Plat PC-R-156 and shown by plat, which is attached to this contract of purchase. **PURCHASE SHALL EXCLUDE AREA AROUND CELL TOWER, DEFINED AS THE AREA WITHIN THE CHAIN LINK FENCE AROUND CELL TOWER, TO BE DETERMINED BY SURVEY. Property conveyed shall exclude the cell tower and area within chain link fence and town retains 20' (twenty foot) wide egress from Lafayette to cell tower lot.**

1. The purchase price of the property shall be **One Hundred Ninety-Five Thousand Dollars (\$195,000.00)** which purchase price shall be paid by cashier's check or in cash at closing, subject to proration of real estate taxes. A deposit of **Five Thousand Dollars (\$5,000)** is hereby acknowledged as received as consideration for this contract.
2. Seller agrees to convey good and marketable title to the property to Purchaser by general warranty deed with the usual English covenants of title, free and clear of all liens and encumbrances, except as may be otherwise provided herein, but subject to applicable easements and restrictive covenants of record not adversely affecting the free use and enjoyment of the property. Notwithstanding the foregoing, Seller shall eliminate at or prior to the date of settlement, all then existing mortgage liens, judgment liens, delinquent property tax liens, assessments, special district charges, water charges and other similar exceptions to the title to the property created or caused by Seller. Seller further agrees to pay the expense of preparing the deed, prorated real estate taxes as of the date of settlement, and recordation tax applicable to grantor, and to deliver possession of the property to Purchaser on the settlement date hereinafter set forth. All other closing and related cost shall be paid by the respective parties in accordance with local customary practice in the Town of Orange, Virginia for the sale of similarly situated properties.
3. Purchaser agrees to lease back to the Seller for **One Dollar and 00/100 cents (\$1.00)** a portion of the land for the purpose of snow, dirt, and milling storage. This portion will be determined and described by a survey and made part of this agreement.

4. Settlement shall be made at a mutually agreeable location within the Town of Orange, Virginia, within 90 days after the date both parties have signed this agreement. Seller shall deliver at settlement, in addition to the deed contemplated in Paragraph 2 above, (a) an affidavit duly executed by Seller, stating that Seller is a "United States citizen", as defined by Internal Revenue Code Section 1445(0)(3) and Section 770J (b). (b) affidavits and certificates duly executed by Seller, as are customarily required by title companies, to be executed by a seller as a condition to the issuance of a title insurance policy and applicable endorsements, and (c) authority documents of Seller authorizing the sale contemplated hereunder and the execution, delivery and performance by Seller of each document to be executed and delivered by Seller in connection with this contract.

5. This Contract of Purchase constitutes the entire agreement among the parties and may not be modified or changed except by written instrument executed by all of the parties.

6. This Contract of Purchase shall be construed, interpreted, and applied according to the laws of Virginia, and it shall be binding upon and inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties.

7. The parties hereto agree that the Purchaser is electing to **effect a tax-free exchange** pursuant to Section 1031 of the Internal Revenue Code in connection with the transaction described herein, upon the request of Purchaser and at no cost or expense to the other, Seller shall execute appropriate documents deemed necessary by Purchaser's counsel to obtain for Purchaser the tax benefits allowed under said code section.

8. Seller represents and warrants to Purchaser, as of the date hereof and as of the date of settlement that:

a. Seller has full right, power and authority to execute, deliver and perform this contract and all documents to be executed by Seller hereunder, and that this contract and all documents to be executed pursuant hereto by Seller are and shall be binding upon and enforceable against Seller in accordance with their terms;

b. To the best of Seller's knowledge, there are no underground fuel tanks on the property. Seller is not aware of any environmental condition, situation or incident on, at or concerning the property that could give rise to an action or liability under any environmental law, rule, ordinance or common law theory; and there are no pending actions against Seller or any environmental liens against the property under any environmental law, regulation or ordinance.

The parties hereby agree that each of the foregoing representations and warranties shall survive the closing and transfer of title of the property or any termination hereof; as contemplated herein for a period of two years.

9. Seller shall cure or otherwise resolve prior to settlement to the satisfaction of Purchaser, in its sole and absolute discretion, any notes or notices of violation of law or municipal ordinances, orders or requirements that have been noted in or issued by any federal, or municipal department having jurisdiction with respect to the property prior to the settlement date. All risk of loss in the property shall remain with the Seller until transfer of title to the property on the date of settlement.

10. All notices to be given under this contract shall be in writing and be sent to the parties by personal delivery, nationally-recognized overnight courier or certified mail, return receipt requested which shall be addressed to each party's respective address as set forth in the first paragraph of this contract and to such other address as such party shall give to the other party by notice given in accordance herewith, and shall be deemed to have been received (a) in the case of personal delivery, on the date of such delivery, (b) in the case of nationally-recognized overnight courier, on the next business day after the date then sent (c) in the of mailing, on the (5th) business, day following the date of the postmark on the piece or mail containing communication.

11. If any provision of this Contract, or portion thereof, shall be found by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable the same shall not affect the other provisions hereof, or the remaining portions of such invalid, illegal or unenforceable provision or the whole of this Contract, and such invalid, illegal, unenforceable portion of such provision shall be deemed modified to the extent necessary in the court's opinion to render such provision, or portion thereof enforceable and the rights and obligations of the parties with respect thereto effective, preserving to the fullest extent the parties' intent set forth herein.

12. This Contract may be executed in one or more counterparts, each or which shall be deemed an original, but all of which shall constitute one and the same instrument. This contract may be executed by any party by PDF signature and the other party will be entitled to rely on such PDF signature as evidence that this contract has been duly executed and delivered by such party.

WITNESS the following duly authorized signatures and seals:

Seller: Town of Orange

By: _____ Date: _____

Purchaser: _____

By: _____ Date: _____

RECORD
PLAT: PC-H-40

LINE TABLE

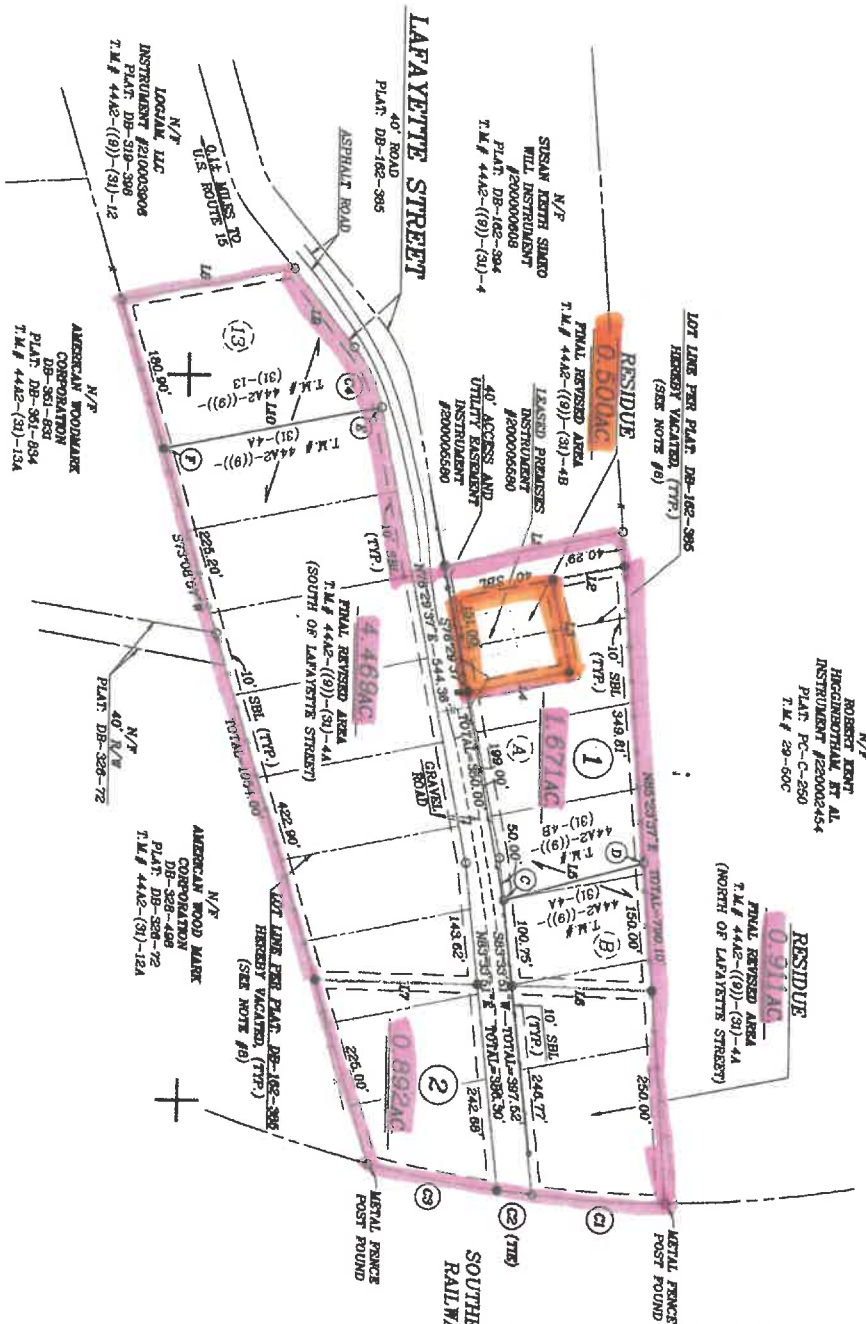
LINE	BEARING	DISTANCE
L1	N11°30'23"E	211.40'
L2	S11°30'23"W	88.66'
L3	N78°29'37"E	111.00'
L4	S11°30'23"E	121.00'
L5	N13°44'53"W	188.41'
L6	S07°11'47"W	163.84'
L7	S01°11'47"W	191.60'
L8	N10°48'56"W	206.20'
L9	N61°48'22"E	114.85'
L10	S11°30'23"E	258.87'

CURVE TABLE

CURVE	RADIUS	TANGENT	ARC	DELTA	CHORD	CHORD BEARING
C1	1387.40'	78.33'	156.40'	6°33'23"	106.40'	S02°42'40"W
C2	1387.40'	20.65'	41.10'	1°43'30"	166.40'	S06°51'03"W
C3	1387.40'	78.33'	156.40'	6°33'23"	106.40'	S10°59'28"W
C4	137.80'	38.88'	78.13'	26°22'00"	77.33'	N64°18'37"E

LEGEND

- = ROD FOUND, UNLESS OTHERWISE SHOWN
- = ROD SET
- = OVERHEAD WIRE
- = FENCE
- SBL = SETBACK LINE



N/P
ROBERT EMMETT
HIGGINS ET AL.
INSTRUMENT #22002454
PLAT: PC-C-250
T.M.# 29-500

RESIDUE
0.911AC
T.M.# 44A2-(9)-(3)-44
(NORTH OF LAFAYETTE STREET)

THE TOWN OF ORANGE

A BOUNDARY LINE ADJUSTMENT,
SUBDIVISION, CONSOLIDATION AND
PROPERTY LINE VACATION
OF THE LAND OF

PLAT: PC-H-40
T.M.# 44A2-(9)-(3)-44
T.M.# 44A2-(9)-(3)-13
PLAT: PC-R-156
T.M.# 44A2-(9)-(3)-48
TOWN OF ORANGE
SPOTSWOOD DISTRICT
ORANGE COUNTY, VIRGINIA
SCALE: 1" = 100' DATE: JUNE 21, 2022

REVISION DATE

JAMES LUTHER, P.C.
LAND SURVEYOR
114 BRID STREET
P.O. BOX 391
ORANGE, VIRGINIA 22960
PHONE (540) 672-1554
EMAIL ADDRESS: JLUETHER@COMCAST.NET



April 11, 2022

Kent Higginbotham

Orange, VA 22960

Re: Lafayette Street

Kent,

I want to describe the process if the Town were to sell surplus land via a private bid process. Regarding the property on Lafayette Street, per your unsolicited bid for the property, detailed below are the steps required and the status of each step.

The Town would need to do the following:

- 1) We must determine what areas of the property (if any) are surplus
 - a. We are aware that two sections of the parcel are not surplus property. These two sections include an area approximately 225' from the railroad tracks property line on the south side and approximately 250' from the railroad tracks property line on the north side for Public Works operations; we are further waiting for a determination of Towercom's needs, which may include the need to expand their current 50' by 50' footprint to their standard 100' by 100' footprint. Council will need to determine whether all or any of the remaining parcel is surplus property before the matter can progress.
- 2) Once this is resolved we will need to have the property surveyed. We need this survey regardless of moving the project forward.
- 3) After the survey we could determine the property value from our appraisal's square footage value per square foot.
- 4) A draft sales agreement would be prepared addressing, at minimum, the following issues:
 - a. Right of first refusal on the property to be sold for the Town and conversely for the remaining non surplus property for Mr. Higginbotham should the Town wish to declare surplus in the future.
 - b. The Time frame for completion of the parking area (this could be done in stages).
 - c. The parking areas would include downlighting, storm water runoff from the parking area, and site plan for the parking area.
- 5) The Town would need to hold a public hearing for the purpose of declaring the property surplus.
- 6) If declared surplus, Council needs to decide whether to proceed or if they need to open the surplus property up for bid. After this process either way the property could be sold.

- 7) Any sale, whether by bid or via private sale, would have to be approved by council in order to move to closing.

Kent Higginbotham would need to decide on the following:

- 1) The property is suited for his needs and the purchase price is acceptable.
- 2) The sales agreement is acceptable.
- 3) Access to the silk mill (via Woodmark property) area is obtained.
- 4) The ingress and egress plan for the parking lot is workable.

The Town is currently working on items 1 (b) and 2 above.

Respectfully,

Gregory S. Woods

Town Manager

June 7, 2021

LAFAYETTE STREET

A continued discussion was held on Lafayette Street and whether Town Council viewed the property as surplus. No consensus was met, but it was also acknowledged that no proposal had been received that could be evaluated.

June 21, 2021

PUBLIC COMMENT

Ms. Page Sullenberger of 155 N Madison Street, on behalf of the Dolley Madison Garden Club appeared before Council to discuss the Taylor Park Master Plan.

Ms. Suzanne Aiello of 18151 Mountain Track Road, on behalf of the Dolley Madison Garden Club also appeared before Council to discuss the Taylor Park Master Plan and presented the map showing the four phases.

Mr. Robert and Kent Higginbotham of 317 N Madison Road appeared before Council to discuss the need for more parking at the Silk Mill property. The Higginbothams made a presentation of what the Silk Mill businesses had to offer and the need to increase the space they had to hold events. Their main issue was the need for more parking and their interest in the Lafayette Street property

TOWN COUNCIL HELD A DISCUSSION OF LAFAYETTE STREET

The Director of Community Development reported that staff was requested by Council to give an update regarding Town owned property on Lafayette Street. The Director of Community Development stated the first action Council requested was to create a new parcel which would contain the new Verizon tower. The Director of Community Development stated that staff

worked with a local surveyor and created the plat showing the new parcel. The Director of Community Development provided Council with a copy of the plat. The Director of Community Development stated further that the new parcel also contained a soil stockpile area and this parcel contained 1.697 acres. The Director of Community Development stated that the plat was recorded in the Circuit Court Clerk's office on April 16, 2021.

The Director of Community Development reported that Council had also requested that staff obtain an appraisal of the property. The Director of Community Development reported that staff worked with a local appraiser and received the appraisal on March 29, 2021. The Director of Community Development stated that while the Town currently owns 8.443 acres on Lafayette Street, the appraisal is for 6.746 acres as it did not include the parcel created by Town staff which was 1.697 acres in size. The Director of Community Development provided Council with the 4 pages from the appraisal, i.e, cover sheet, cover letter and site descriptions showing the different parcels of the Lafayette Street property.

After a lengthy discussion it was consensus of Council to hold a public hearing at their July 19th meeting to receive input on whether to declare the property surplus and how to proceed with disposal should the property be declared surplus.

July 19, 2021

TOWN COUNCIL HELD A PUBLIC HEARING TO DETERMINE THE DISPOSITION OF TOWN OWNED LAND ON LAFAYETTE STREET TAX PARCELS #44A2-(9)-31-A4 & #44A2-(9)-31-13

Mayor Roby called for a presentation. The Town Manager reported that at its regular June meeting, staff reported that the Town's property on Lafayette had been divided and an appraisal had been done obtained for the 6+ acres as requested by Council. The Town Manager reported further that at the June regular meeting Town Council decided to hold a public hearing after advertisement for the purpose of deciding whether or not to declare the property surplus. The Town Manager stated that if Council should declare the property surplus a discussion would need to be held on how to proceed, including whether to obtain bids or proposals, and how the current property usage would be replaced.

Mayor Roby declared the Public Hearing open and called for public comment. The following individuals appeared:

Marsha Jacobs and Barry Jacobs of 11090 Landon Lane Ext, Orange and Jonathan Yowell of 161 Lafayette Street, Orange appeared before Council opposing Town Council declaring the Lafayette property surplus and obtaining bids and proposals for the sale of the property.

Craig Jacobs owner of Salvagewrights at 441 N. Madison Road stated that the Town's property on Lafayette Street was an asset to the Town and should not be sold.

Mayor Roby declared the Public Hearing closed and called for questions and comments from Town Council. Mayor Roby told Mrs. Jacobs that staff would be answering her questions from this evening, and it was Council's intent to research this matter further. Councilmember Waugh-Robinson thanked everyone for coming in and participating this evening.

August 2, 2021

LAFAYETTE STREET

A continued discussion was held on Lafayette Street and whether Town Council viewed the property as surplus. No consensus was met, but it was also acknowledged that no proposal had been received that could be evaluated.

January 18, 2022

DISCUSSION OF LAFAYETTE STREET PROPOSAL

The Town Manager reported that he received a proposal for the sale of Lafayette Street. The Town Manager stated that he was asking Council for direction on how to proceed moving forward.

The Town Attorney stated that the sale of land by a locality is addressed in Virginia Code and the Town Charter does not include any qualifications on the sale of land. The Town Attorney reported the property was not public use and that State Code §15.2-1800 permitted the lease or sale by "public or private sale". The Town Attorney reported further that §15.2-1802 permitted the sale of land for development of business or industry. The Town Attorney stated that the sale of this property in a private sale may be authorized by resolution passed by the Town Council in a public hearing, but there was no requirement for a bid process.

The Town Attorney reviewed and discussed procedures if the land were determined surplus or the receipt of an unsolicited bid for the purchase of the property. The Town Attorney stated that Council or the Town Manager may under law, set any terms for the sale of the property including a "buy-back option" if such development for business or industry is not accomplished within a

set time frame. The Town Attorney stated further that Council may review bids in closed session.

After discussion, Vice-Mayor Sherman stated that this subject had been very controversial, and he would like to see this tabled for at least a year. Vice-Mayor Sherman stated further he was not ready to declare this property a surplus. Councilmember Bosford stated that if Council waited another year the town would lose businesses, if the businesses couldn't grow.

Motion was made by Councilmember Bosford, seconded by Mayor Roby, to allow the Town Manager to continue the negotiation of the contract that was received. On vote, Mayor Roby – aye, Vice-Mayor Sherman – nay, Councilmember Bosford – aye, Councilmember Fox – nay, and Councilmember Waugh-Robinson – absent. The motion was a tie and died.

The Town Manager questioned whether Council wished to discuss the proposal again when all of Council was present.

After discussion, motion was made by Councilmember Bosford, seconded by Mayor Roby, to move this discussion to the next public meeting February 22nd, when all of Council would be present. On vote, Mayor Roby – aye, Vice-Mayor Sherman – nay, Councilmember Bosford – aye, Councilmember Fox – aye, and Councilmember Waugh-Robinson – absent. The motion carried with one member voting nay.

February 7, 2022

LAFAYETTE STREET

Mayor Roby stated that three things needed to be decided tonight regarding Lafayette Street: 1) Do we put the property out to bid; 2) Do we accept the current unsolicited bid; 3) Do we not move forward at all?

A lengthy discussion was held by Town Council and staff. Motion was the made by Councilmember Bosford, seconded by Councilmember Waugh-Robinson, to authorize the Town Manager to negotiate with the unsolicited bidder and then report back to Town Council later. On vote, Mayor Roby – aye, Vice- Mayor Sherman – nay, Councilmember Bosford – aye, Councilmember Fox – aye, and Councilmember Waugh-Robinson – aye. The motion carried with one member voting nay.

Vice-Mayor Sherman reminded Town Council that they had already authorized \$275,000 to be spent on a parking lot on Montevista Avenue that was to be used for overflow parking at the Silk Mill Complex. Vice-Mayor Sherman also stated that the property was not surplus, the Town needed the lot.

November 21, 2022

TOWN COUNCIL CONSIDERED AUTHORIZING THE ADVERTISEMENT FOR PUBLIC HEARING FOR THE POTENTIAL SALE OF THREE LOTS OWNED BY THE TOWN OF ORANGE

The Town Attorney stated that the Town has had several requests for potential sales of three lots owned by the Town of Orange. The Town Attorney stated further that all requests trigger the process, and that three separate requests were made to include:

- 1) A portion of the Lafayette Street property.
- 2) Two separate lots acquired in the land acquisition from Norfolk Southern on Robinson Street known as lots:

**Town Council Meeting Minutes
November 21, 2022
Page Four**

- a. Parcel 044A4002300070 – 0 Robinson Street
- b. Parcel 044A4002300080 - 0 Robinson Street

The Town Attorney stated that the Town Manager was requesting the authorization of a public hearing to declare the properties surplus.

The Town Attorney supported by the Director of Community Development clarified information for Town Council. After discussion, motion was made by Mayor Roby, seconded by Councilmember Waugh-Robinson, to authorize staff to advertise a Public Hearing for the potential sale of three lots owned by the Town of Orange to declare them surplus. On vote, Mayor Roby – aye, Vice-Mayor Sherman – nay, Councilmember Bosford – nay, Councilmember Fox – nay, and Councilmember Waugh-Robinson – nay. The motion failed with one member voting aye and the other four voting nay.

December 5, 2022

TOWN COUNCIL CONSIDERED AUTHORIZING THE ADVERTISEMENT FOR TWO PUBLIC HEARINGS FOR THE POTENTIAL SALE OF TWO LOTS OWNED BY THE TOWN OF ORANGE

The Town Manager stated that the Town has had a request from business owners to reconsider the advertisements for public hearings for the potential sale of the two lots owned by the Town of Orange to include:

- 1) Two separate lots acquired in the land acquisition from Norfolk Southern on Robinson Street known as lots:
 - a. Parcel 044A4002300070 – 0 Robinson Street
 - b. Parcel 044A4002300080 - 0 Robinson Street

Vice-Mayor Sherman inquired why would you just keep the one piece. The Town Manager stated that the authorization of a public hearing was to declare the properties surplus. The Town Manager stated that we have had two separate inquiries independent of each other about the properties.

After discussion, motion was made by Councilmember Waugh-Robinson, seconded by Vice-Mayor Sherman, to authorize staff to advertise two Public Hearings for the potential sale of two Robinson lots owned by the Town of Orange to declare them surplus. On vote, Mayor Roby – aye, Vice-Mayor Sherman – aye, Councilmember Bosford – aye, Councilmember Fox – aye, and Councilmember Waugh-Robinson – aye. The motion carried unanimously.



UNFINISHED BUSINESS SUMMARY

October 16, 2023

AGENDA ITEM: 9B

New Member Pamphlet – Town Attorney

SUMMARY:

- This item was continued from the Council Retreat.
- Please see attached DRAFT pamphlet.

TOWN COUNCIL

A PRIMER FOR CANDIDATES AND
NEW COUNCIL MEMBERS



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WELCOME TO LOCAL GOVERNANCE

Thank you for your decision to run for a position on the Town Council for the Town of Orange, Virginia. Informed participation by citizens in local government is vital for successful communities.

Congratulations to you as a new Councilmember! You are beginning your first term as an elected official and there's so much to learn.

This introductory primer is a resource to help you understand your role as a member of Council and is designed to provide and direct you to the information you need in the role and necessary to help you achieve whatever goals you had in mind when you took this path.

Inside you'll find information, links to vital resources and an overview of your new (or prospective) role. You can reach out to the Town Manager, Town Attorney, and Town Clerk if you have additional questions or concerns.

ABOUT THIS GUIDE

This document is provided as an overview for the new or prospective councilmember. While not exhaustive, it should provide you with the information you need to find your footing on Town Council and get you started. In all cases, the Town Manager, Clerk and Attorney are your contacts for questions and information.

As we wrote this document, we are aware that many who run for office do so with a goal or goals in mind. If you are new to local government structure and operations, some things may not work in the ways you expected. Some of the contents were added in response to questions asked by previous councilmembers. We hope this primer will help you start this journey in the most productive way, to help all of us meet our goal of creating and maintaining a successful community for our citizens.

TOWN HISTORY

The Town of Orange was created in 1734 and named after Prince William of Orange. The unincorporated town of Orange Court House began serving as the county seat in 1749. In 1859, the fourth courthouse, which still stands today, was built and was in use until the current courthouse was built.

Orange achieved town status in 1872, and continued to grow as a hub for business, manufacturing and agriculture into the 20th century. In 1908, a fire swept through the eastern half of town, destroying many buildings there. It was in the aftermath that the water system in town was built to provide future fire protection.

You can learn more about the history of the Town of Orange and Orange County by visiting the Orange County Historical Society at 130 Caroline Street, or their website at <http://www.orangecovahist.org>

ORANGE TODAY

The Town of Orange is a municipal corporation of the Commonwealth of Virginia in Orange County. A municipality has its own government structure which works within and independent of county government. The Town offers its own water and sewer services, maintains its own roads and rights of way, assesses and collects taxes. Town residents are also county residents, and both pay county taxes and receive county services. The town covers an area of approximately 3.4 square miles at the crossroads of state routes 20 and 15.

The town's population as of the last census is just over 5,000 people, in about 1,800 households. The median age is 35. Median income per household is \$59,000. Approximately 83% of residents have a high school diploma, while nearly 20% hold a bachelor's degree or higher. The town's poverty rate of 15.7% is about 1.5 times the rate in the Commonwealth of Virginia as a whole.

GOVERNMENT STRUCTURE

The Town of Orange, by charter, has a town manager form of government with a council of five members, elected to staggered four-year terms. The Town Manager is appointed by Council and is vested with the executive powers of the Town, including the appointment, direction and removal of nonelective officers and employees other than those who may be subject to appointment by the town council.

TOWN MANAGER

The Town Manager manages the organization of and has the authority over the executive branch (operations) of the town, reports to Council, negotiates and enforces contracts of the town, and prepares the annual budget for council approval. As the executive, the Town Manager is responsible for the efficient administration of the town's affairs, with responsibility and general duties requiring that they see that within the town the laws, ordinances, resolutions and bylaws of the town council are faithfully executed; attend all meetings of the town council and recommend for adoption such measures as he shall deem expedient; make reports to the town council from time to time upon the affairs of the town; keep the town council fully advised of the town's financial condition and its future financial needs; prepare and submit to the town council a tentative budget for each fiscal year; and perform such other duties as may be prescribed by the town council not in conflict with the foregoing.

WORKING TOGETHER

What's the secret to good local governance? Successful localities balance the manager/council relationship – to learn more, check out the March 2023 issue of Virginia Town and County, the magazine of the Virginia Municipal League, at

https://www.vml.org/wp-content/uploads/pdf/VTCMar23_web.pdf

TOWN COUNCIL

Council's role, in contrast, is best described as being legislative and policy oversight. Council has authority to establish town government policy, set tax rates, approve the annual budget, appoint members to the town's boards, provide policy guidance for the Town Manager and act on local resolutions and ordinances. Council elects from its membership a mayor, who serves as the official head of the town and leads council meetings, and a vice-mayor, for one-year terms at its meeting each January.

Council generally meets on the first Monday of each month at 6:00 pm for a work session and on the third Monday of each month at 7:00 pm for a formal council meeting. All meetings are open to the public and a quorum of at least 3 members is required in order for business to be enacted. Council has adopted Roberts Rules of Order as its parliamentary guideline.

Councilmembers may serve on committees as assigned by the Council, including as ex-officio and liaison representatives to related organizations.

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OTHER TOWN OFFICERS

TOWN CLERK

The Town Clerk is the custodian of all records for the town, is the custodian of the town seal, and acts as official clerk for the Council, maintaining the minutes and, with the Town Manager, prepares the agenda for Town Council meetings. The Town Clerk also serves as the FOIA officer and HR manager for the Town. The Town Clerk is appointed by Town Council.

TOWN ATTORNEY

The Town Attorney is the legal representative for the Town of Orange, acting as counsel for Council, town boards and officers. The attorney drafts and reviews legal instruments, assists the police department and serves as an advisor on any interest of the town of a legal nature: information, potential litigation issues and in regard to statutes, codes, parliamentary procedure, and representation as necessary in negotiations and litigation. The Town Attorney does not advise on matters of policy, except in reference to legal principles. The Town Attorney is appointed by Town Council.

TOWN TREASURER

The Director of Finance, hired by the Town Manager, serves as treasurer for the Town of Orange. The treasurer provides monthly reports to Council on the assessment and collection of taxes and levies and enforces the town code relative to those matters. The Director of Finance keeps and maintains all books, papers and accounts and manages payments.

TOWN DEPARTMENTS

DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of Community Development works as the town planner and liaison to the planning commission. The Director is hired and supervised by the Town Manager. The zoning administrator for the town is appointed by the Council. The current Director has been appointed as zoning administrator.

POLICE DEPARTMENT

The Police Department serves the Town of Orange, with the Chief of Police as commanding officer under the direction of the Town Manager.

PUBLIC WORKS

The Public Works Department oversees all infrastructure and maintenance of town infrastructure, including water and sewer services trash and leaf collection, snow and ice removal, storm drainage, sidewalks, curbs and gutters, streets and bridges, grass cutting, signage, street sweeping, fleet maintenance, buildings and grounds maintenance and maintenance of parks. The Department has four divisions: Parks, Refuse, Streets, and Water and Sewer Infrastructure. The Department Manager is hired and supervised by the Town Manager.

WATER AND SEWER

The Water and Sewer Departments operate under permits from the DEQ to provide potable water to the Town and to RSA for resale to Gordonsville. Wastewater collected within the town is treated and discharged to the Rapidan river by permit.

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REACHING OUT

Councilmembers are a point of contact for many citizens seeking answers or action from their elected officials. How do you reach out for those answers or that resolution, since Council acts as a whole?

Individual councilmembers can utilize their direct line to the Manager, Clerk and Attorney for information and to discuss resolutions. Individual members do not have the power to act for the Town, except as authorized by Council as a whole and may create a legal liability for themselves and the Town if they do so. Executive authority rests solely with the Town Manager.

BOARDS AND COMMISSIONS

INDUSTRIAL DEVELOPMENT AUTHORITY

The Industrial Development Authority of the Town of Orange (IDA) was re-established by Town Council in 2020. It is made up of seven directors appointed by Council. The IDA is empowered by the legislature to promote industry and develop trade by inducing manufacturing, industrial, governmental, nonprofit, and commercial enterprises, and institutions of higher education to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources to benefit the citizenry through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience, or prosperity. The IDA meets monthly with one town council member serving as a nonvoting liaison. The Deputy Town Clerk acts as secretary to the IDA. The Town Manager and Town Attorney also attend as advisors to the IDA. An IDA is authorized by statute to acquire, own, lease, and dispose of properties and make loans to the end that such authorities may be able to promote industry and develop trade (Va. Code Sec. 15.2-4901)

PLANNING COMMISSION

The Planning Commission is made up of 5 voting members appointed by Council to promote the orderly development of the town and its environs. (Town Code Sec. 2-171 and Va. Code § 15.2-2200). The planning commission serves as an advisory to the Town Council through review of zoning questions and applications and the preparation and presentation of a comprehensive plan. Advised by the Zoning Administrator, with the Deputy Town Clerk acting as secretary and with one town council member assigned as a nonvoting liaison, the planning commission meets on the fourth Monday each month at 6:00 pm.

BOARD OF ZONING APPEALS

The Board of Zoning Appeals is made up of five members appointed by the Orange County Circuit Court by recommendation of Town Council to hear and decide appeals of decisions made by the Zoning Administrator (Va. Code § 15.2-2308). As such, the BZA meets as needed. The Deputy Town Clerk serves as secretary to the BZA.

ORANGE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The Town Council recommends a Town representative to the County EDA.

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AFTER YOUR ELECTION

Once the election is over, the Orange County Board of Elections must certify the election. The Registrar then sends the certification paperwork to the Town Clerk, who notifies the council member as to the next steps. These steps include providing information for taking the oath of office before the Clerk of the Orange County Circuit Court, arranging for equipment provided to councilmembers by the Town, and organizing paperwork and training.

All new councilmembers are encouraged to attend a training program from the Virginia Municipal League.

You are **required** to take the oath of office before the first meeting of the Town Council in January of the new year. You should provide a copy of the documentation from the court to the Town Clerk for verification.

You are also **required** to:

1. Read the Virginia Freedom of Information Act:
<https://law.lis.virginia.gov/vacode/title2.2/chapter37/> The Town Attorney will provide additional training to Council. All FOIA requests go to the Town Clerk, as FOIA officer.
2. Read the Virginia Conflict of Interest Act:
<https://law.lis.virginia.gov/vacode/title2.2/chapter31/>. Confer with the Town Attorney if you have any questions or concerns about conflicts of interest.
3. Complete COIA training through the Ethics Advisory Council in order to qualify for office and every two years thereafter, visit <https://ethicswebinar.dls.virginia.gov/> to access the training.
4. Submit a Statement of Economic Interests and Financial Disclosure Statement as a condition of assuming office and thereafter annually on or before February 1. For more information and the forms, visit the Ethics Council website at <http://ethics.dls.virginia.gov/conflict-of-interest.asp#officials>.

The clerk will also set up your town email account, for all town business after you take office in January and ask for your contact information at this time.

YOUR FIRST COUNCIL MEETING

The January meeting of the Town Council is an organizational meeting.

The Town Manager will open the meeting, get approval of the agenda and call for nominations for the position of mayor from within the council. Upon the election of the mayor, the town manager will pass the gavel over to the mayor. The mayor will call for nominations for vice mayor. Both mayor and vice mayor are chosen for one-year terms.

During this meeting, council will determine or may adjust committee assignments. These are primarily assignments as liaison to boards and committees or nominations for acceptance as ex-officio members of outside organizations, including:

- liaison to the Planning Commission
- liaison to the Orange County Board of Supervisors
- Regional Planning District Director
- Ex officio appointee to Orange Downtown Alliance

Council may also make recommendations for a representative to the Orange County EDA and the Town BZA, depending on term expirations. Council appoints the members of the IDA.

Council will consider an ordinance authorizing the Commonwealth's Attorney to prosecute _____

The Town Manager will typically notify council regarding the preparation of the next year's budget, which must be approved before the end of the current fiscal year (July 1-June 30).

The Director of Finance will make a report.

Staff may provide updates and training presentations as relevant.

Other matters may be included on the agenda as determined by the Town Manager.

The Town Clerk will provide an agenda package to all qualified members of Council by the Wednesday prior to the meeting, which all members should review prior to the session.

A public version of the package (excluding any confidential material or reports) will be distributed and posted on the town's website.

COUNCIL MEETINGS ARE PUBLIC MEETINGS

Try to attend council meetings once you're elected – or as soon as you start your campaign. Not only will you observe the practicalities about how meetings work, you'll also be informed on the issues currently before council. You might be called to vote on items that were discussed at previous sessions. You will at least participate in approval of the minutes – and can do so with the necessary knowledge if you were present at the last meeting. If you couldn't be present, consider whether you should abstain on that issue.

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ANATOMY OF A COUNCIL MEETING

CALL TO ORDER

The mayor will call the meeting to order.

PLEDGE OF ALLEGIANCE

The mayor will lead or invite another councilmember to lead those assembled in the pledge of allegiance.

ROLL CALL

The Town Clerk will call the roll, present members answering in turn.

AGENDA

The Town Clerk provides an agenda for each meeting, included in the agenda package released by the Wednesday before the meeting. This agenda is compiled by the Town Manager. Council members may request that the Town Manager add items to the agenda beforehand, at his discretion. The agenda will be adopted by Council at the start of each meeting. Councilmembers or staff may also propose additions to the agenda, which will be discussed, and an amended agenda may be rejected or adopted.

MINUTES

The minutes from the previous meeting or meetings will be prepared by the Town Clerk and included in the agenda package. Council will be asked to approve those minutes. Corrections may be suggested and the minutes, or minutes as amended, will be presented for motion and a vote will be called to approve the minutes for addition to the record.

REPORTS

The Director of Finance will present the financial report at each meeting. Other reports may also be given by staff, contractors or other parties as determined.

UNFINISHED BUSINESS

Any items from a prior meeting for consideration by Council which were not previously resolved.

NEW BUSINESS

New items for consideration by Council which were not previously presented.

ADJOURNMENT

The mayor may close the meeting with relevant comments or announcements.

ORDINANCE OR RESOLUTION?

Ordinance: sets forth a continuing, permanent rule of action.

Resolution: adopted to dispose of administrative matters of a temporary or special nature.

Motion: becomes an official action of the governing body once adopted.

PROCEDURES AND CONDUCT

OATH OF OFFICE

In order to qualify for office, each councilmember is required by law to take a legally-binding oath before the clerk of the circuit court: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as _____ according to the best of my ability, (so help me God)."

FOIA

The Virginia Freedom of Information Act is a part of the Code of Virginia and exists to establish the balance between government and the goal for open government, allowing citizens and the media operating in the commonwealth to access information in regard to government operations and actions. It underlies everyday application of government, balances the right of action with the need for government to function, assigns a predictable procedure which must be followed and relates to public records.

COIA

Impartially discharging duties means that elected officials should have no conflicts of interest – and should disclose potential conflicts where they may call transactions of a public body into question. Undisclosed conflicts can invalidate

ROBERTS RULES OF ORDER

Town Council has not formally adopted Roberts Rules but uses them as a guide in practice, with adaptations in practice in consideration of local needs. Consistent parliamentary practice is recommended to the presiding officer until a formal adoption of a parliamentary guideline by the body.

CODE OF CONDUCT

The following Code of Conduct is presented to the Town Council for discussion and inclusion herein pending approval.

GOVERNING BODY DISCIPLINE

Governing bodies, like a town council, are self-governing, meaning that each member has ethical and legal responsibility to ensure the body acts appropriately. Bodies have authority to discipline their members. See https://newsvirginian.com/news/local/government-politics/augusta-supervisor-scott-seaton-censured-stripped-of-committee-assignments/article_563516b4-212f-11ee-9466-e77499d8bfd1.html for one example.

CODE OF ETHICS AND STANDARDS OF CONDUCT
FOR MEMBERS OF THE TOWN COUNCIL
OF THE TOWN OF ORANGE

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Town Council of the Town of Orange should adhere to the following Code of Ethics.

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a party to their evasion.
2. Put loyalty to the highest moral principles and to the town as a whole, above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law.
6. Ensure the integrity of the actions of the Town Council by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members any gifts, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties. In addition, each member shall comply with all applicable provisions of the State and Local Government Conflict of Interests Act, including those provisions that regulate the solicitation and acceptance of gifts, money or other things of value for services performed within the scope of the member's official duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the town government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed meetings only to deal with sensitive personnel, legal matters, contractual matters or as otherwise provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Council.
14. If requested by any member of the Town Council, review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and

interested town residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Town Council of the Town of Orange should adhere to the following Standards of Conduct:

1. In responding to questions, from the media or citizens, Council members should remind the listener that they are not speaking for the entire Council, clarify their position on a particular item, and make "no public comment" on closed meeting matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
2. Remember that personnel matters are to remain confidential and that it is the obligation of the Council and its membership to protect the privacy of the individual.
3. Focus on issues and avoid making public comments about individuals, staff members, fellow Council members, community residents or media representatives.
4. Ensure that e-mails on matters of public business before the Council which are sent to more than one member shall be sent to all other Council members. Such emails should be routed through the appropriate staff member to avoid an inadvertent meeting.
5. Avoid during public meetings and during the performance of public duties the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
6. Pay all taxes due to the county, state, or national government.
7. Attend all regularly scheduled meetings of the Council or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
8. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the town government.
9. Make a conscientious effort to be well prepared for each meeting and, upon review of the agenda for any upcoming meeting, notify the Town Clerk in writing of any matters for which there exists a conflict of interest.
10. Offer criticism of colleagues or town employees only in private meetings with appropriate individuals or in closed meetings.
11. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
12. Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.
13. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
14. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
15. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

If a resident of the Town of Orange makes a complaint that a Council member has violated the Code of Ethics and/or Standards of Conduct, then the following procedure shall be followed:

- A. The Clerk shall forward the complaint to all Council members and the Town Attorney.
- B. The Town Attorney shall review the complaint and determine if it is a valid complaint; a valid complaint is one from a resident which alleges conduct that may constitute a violation of the Code of Ethics or Standards of Conduct.
- C. The Town Attorney will report his/her determination and the grounds therefor to the Council. If the Town Attorney determines that it is not a valid complaint, then the Town Attorney will notify the complainant and no further action will be taken.
- D. The accused member shall then be given a reasonable period of time to respond in writing to the allegations, and his/her response shall be forwarded to all Council members.
- E. The Council and the Town Manager and/or Town Attorney, if needed, may meet to discuss the allegations and the member's response.
- F. At a public meeting, the mayor shall poll each member, except the alleged violator, regarding

whether a violation occurred. If a majority of the Council members find that a violation has occurred, then the Council, by motion, shall take appropriate action with respect to that violation.

- G. The Chair shall direct the Town Manager to draft a response to inform the complainant of the Council's disposition.

If the mayor is the alleged violator, the vice-mayor shall perform the mayor's duties, as outlined-above.

DRAFT

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VIRGINIA FREEDOM OF INFORMATION ACT

PUBLIC RECORDS

FOIA applies to public records, that is, all writings or records, that consist of letters, words, numbers or their equivalent, related to the transaction of the public business and which are owned by or prepared or in the possession of a public body or its officers, employees or agents in the transaction of public business, however stored. When in doubt, it is a public record.

MEETINGS

FOIA applies to all meetings of a public body. Meetings occur any time 3 or more members of a public body gather to conduct public business. And 'gather' can be in person or by telephone, video conference – or even email! A meeting is only legal if it has been properly noticed, the public is invited, and minutes are taken and preserved. While one-on-one conversations (or emails) are not public meetings, they are public records. Attorney-client communications are privileged.

CLOSED MEETINGS

FOIA permits closed sessions of a public body, so long as there is a motion stating the purpose, the subject and a citation to the code permitting the closed session. Members can discuss only the subject stated in the motion and will certify that when returning to the open meeting. FOIA only allows a public body to keep certain information confidential, it does not prohibit the disclosure of the information. If a member of a public body will not honor the confidentiality of a closed meeting the public body has the inherent power to discipline such member. There are some court decisions recognizing the right of a public body to discipline wayward members. Discipline is limited to such things as public censure of the wayward member by the other members of the public body, fines, removal from committee appointments, refusal to allow the offending member to attend conferences, and similar types of actions.

EXCEPTIONS

FOIA contains over 100 exemptions for records. Although many of these exemptions apply to specific agencies or to very content-specific records, there are several records exemptions of general applicability that may be used by virtually all public bodies.

ENFORCEMENT

FOIA violations by a public body are enforced through a lawsuit filed by an injured party. The individual violator is the defendant in any lawsuit – not the public body. If a violation is found, penalties may include payment of the legal bills of the petitioner, a mandamus or injunction against the violator, bad press and fines for knowing and willful violations up to \$2,000 for the first violation and up to \$5,000 in fines for subsequent violation - Paid by VIOLATOR, not the locality!

FOIA COMPLIANCE

Public Records can include your personal email and social media accounts if you use them to conduct public business. Avoid reply-all on emails and use only your town email accounts to protect your personal records. The Town Clerk is the FOIA officer for the Town – when in doubt, ask the Clerk or the Town Attorney.

FOIA WORKSHEET

IS IT A MEETING?

Which of the following are meetings under FOIA?

1. Council members Natasha, Tony and Clint run into each other at the grocery store and talk about a contract on next week's council work session agenda.
2. Council members Carol, Steve and Natasha attend a meeting of the of the citizens advisory board regarding recent police activities at a public demonstration held the day before. They later attend an emergency town council meeting to discuss the actions of the police department.
3. Council members Carol and Steve chat with each other via text messages about the same contract.
4. Planning Commission member Diana has a conference call with Tony and Carol to discuss the commission's progress on the comprehensive plan.
5. Carol, Clint and Steve meet onstage at a public Q&A sponsored by the OCHS debate team and answer questions from the students.
6. Town Manager Nick sends an email to all five council members, informing them about a phone call he received from the DEQ.
7. Natasha replies to all to Nick's email, stating she would like to have further discussion on the agenda for the next council meeting.
8. Clint, Tony and Steve run into each other at a Chamber event and Tony shares photos of his new grandnephew.
9. Carol invites the other four members to follow her new "Council Member Carol Danvers" Facebook group.

PUBLIC RECORDS

Which of the following are public records, subject to FOIA examination and publication?

1. An email from Clint's town email account to Town Clerk Maria's town email account, inviting her to lunch on Thursday.
2. An email from Clint's personal email account asking Maria to add an item to next week's work session agenda.
3. A memorandum written by Town Attorney Jennifer distributed to Town Council members.
4. A video tape of the latest council meeting.
5. Posts on the "Council Member Carol Danvers" Facebook page.
6. Photos on Carol's private Facebook page of her cat at a Town Council meeting.
7. The spreadsheet Maria maintains with personal contact information for all council members.
8. The results of the math test completed by Director of Finance Pepper during her job interview.

VIRGINIA CONFLICT OF INTEREST ACT

PERSONAL INTEREST

COIA states that any officer or employee of local government, who has a personal interest involving that individual or their immediate family in a transaction or contract by that public body, shall disqualify him or herself from participating in the transaction if the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsiidiary or affiliated business entity relationship with the business in which he has a personal interest," unless certain exemptions apply (Va. Code §2.2-3107).

DISQUALIFICATION

A conflicted member is prohibited from both attending any portion of a closed meeting when the matter in which he has a personal interest is discussed a discussing the matter in which he has a personal interest with other governmental officers or employees at any time. The procedure is for the member to notify the Clerk of the conflict upon review of an agenda and to announce the conflict, and the reason for it, when the matter comes up at a meeting. They should remove themselves from the council table for the discussion and vote. There may be times the member may participate where a personal interest is disclosed. Should any member of council, including the disclosing member, feel that the personal interest creates a conflict, the disclosing member should be disqualified.

DISCLOSURE

All Town Council members are required to submit a disclosure statement, both as a condition of assuming office and each year.

GIFTS

COIA restricts the receipt of certain gifts. In general, at a local level, it is a better idea to not receive gifts -- better safe than sorry. This applies to employees, officers and members of their immediate family. Exceptions exist. All gifts must be reported but some may be accepted. Return, donation or payment for a gift voids the violation.

INFORMATION

COIA restricts the sharing of confidential Information: Section 2.2-3103(4) prohibits members from using confidential information acquired by reason of their public position and which is not available to the public for the officer's own economic benefit or that of another party.

ENFORCEMENT

A knowing violation of COIA, and conviction thereof constitutes malfeasance of office and may result in removal from office and a fine or penalty as provided by law. Such a violation may void any contracts or other transactions executed by the Town in the wake of such violation.

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COIA WORKSHEET

IS IT A CONFLICT?

Which of the following are conflicts of interest under COIA?

1. Clint volunteers as a member of the board at a local nonprofit school for deaf children. The school has submitted a request for funding from council.
2. Clint's wife, Laura, instead serves on the board. Does this change the answer?
3. Tony, owner of a company applying for a contract with the Town, gives a birthday present to James Rhodes, his childhood friend who is the Director of Community Development.
4. Clint's wife, Laura, runs a company which has responded to an RFP under consideration by town council.
5. The town needs to purchase an emergency replacement for batteries for vital equipment after a lightning storm. Can the batteries be purchased from Pepper's company?
6. Carol lives with her sister, Monica. Monica is the CFO for a company which purchased a piece of town-owned property last month. Carol did not disclose the relationship or recuse herself from the deliberations.
7. The agenda package for the next planning commission meeting includes an application for an SUP from entrepreneur Oswald with plans for his new club, the Iceberg Lounge. Bruce, a planning commission member, is in negotiations with Lex for sale of a property near the proposed site of Oswald's planned club. Sharing this information would increase the value of the property he is planning to sell.
8. The agenda package for the next planning commission meeting includes an application for an SUP from entrepreneur Oswald with plans for his new club, the Iceberg Lounge. Bruce's new girlfriend, Selina, has been hired as a bartender at the Lounge.

IS IT A GIFT?

Which of the following are gifts that must be reported on the disclosure filing? Are the gifts legal?

1. The town pays for all five council members to attend the VML conference.
2. Council appoints Natasha to serve as its representative on the board of a local non-profit. The organization provides a meal or snacks during meetings.
3. Clint receives a voucher for \$75 off a one-year membership in the Virginia League of Archers.
4. Clint, as a member of town council, receives a voucher for free one-year membership in the Virginia League of Archers. Annual dues are \$125.
5. Steve's teenage son's baseball team wins the state finals. The son invites the team for shawarma when they return to town. The cost is over \$100. The owner of the restaurant, recognizing the boy as the son of a council member refuses payment, saying it is 'on the house.'
6. The president of a local association pulls out his wallet and pays for the teens' meal.
7. The local chamber of commerce is holding their fundraiser. Natasha has used personal funds and become the biggest donor this year. The chamber offers her a free ticket as their major donor.
8. Natasha, as mayor, is invited to speak at the widely attended fundraiser, her ticket and meal are paid for by the organization.

See page 18 for answers

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UNFINISHED BUSINESS SUMMARY
October 16, 2023

AGENDA ITEM: 9C

Park Updates – Director of Community Development

SUMMARY:

- This item was continued from the Council Retreat.
- Please see attached information on Chatter Island and the Gardener Property.



Any other thoughts you have about how to utilize the former Gardner Property?

Should the park be for different age groups and have different activities

Your Address

Open-Ended Response

Open-Ended Response

Open-Ended Response

The set up of this survey leads the survey taker to say yes to the first leading question where survey puts forth the idea of "multi-use pad" and gives very little detail to the second choice for skate park. Why were details not given about what a "skate park" can be which, as can often be the case be a multi-use space for roller blades, roller skates, skate boards, bikes, scooters, etc. with a track and flat areas for multi-use as well as for skateboard tricks? I feel that the way this survey has been set up was done so that the town has an excuse to say, "Well, we had a survey and people checked yes to multi-use pad more that to "skate park." I am disappointed that a better survey with more explanation and choices and details couldn't have been designed to actually gather creative ideas and solutions. Do better.

Roller sports are for all ages! And seating can have concretes tables for chess playing. And why not have a couple of swings for resting. And a sculptural something for art and climbing. No reason to be so close-minded about possibilities that can be incorporated into a thoughtfully designed "skate park."

Grayson
Butterfield
11499
Rapidan Rd
Orange, VA
22960

Orange needs to provide for its youth. There are no movie theaters, no bowling alleys, no facilities that say "Orange loves its youth." Skateboarding is banned at all malls and major parking lots. The message to youth: you have no place here. No other use for this property would send a youthful message.

This modest space would not support major activities or gatherings. Installing a putt-putt facility would require major changes and entertain few. How would you handle its equipment needs? Could it hold two pickleball courts, which might entertain 8 to 16 (doubles)? Who would maintain the nets and surfaces? Store the equipment? Community activities? Are we saying there are no existing facilities for community activities? If there are, why duplicate what already exists, but does nothing for the youth? Different age groups have multiple locations to enjoy themselves from Iron Pipe Brewery to Veterans Park. They do not need special attention. they are not the ones being left out.

748 Round
Hill Drive,
Orange VA
22960

Yes, it would be great to have a place right here in town that anyone for all ages can enjoy without having to leave the area.

345 Mimosa
Lane Orange,
VA 22960

Something for the kids to do would be amazing!
Make it happen 😊

Sure , but it's also ok to have something for teens to do that is all their own.

188 W Main
St, orange va

Any other thoughts you have about how to utilize the former Gardner Property?	Should the park be for different age groups and have different activities	Your Address
	yes	181 Jefferson St Orange Va 22960
Booster Park is for teens. Hazel Park is for childrens. The older people looks for a place that has the facilities they need it. For example: bathrooms for disabled, paved roads for safe walking; chairs with backrest; trees, etc.		16342 Shannon Ln. Orange, VA
	No an all wheels sport park is what should be there. There r other places for other activities	312 Newton st
Open Park	Yes	182 Burgess St
The town should be proactive in beautifying its gateways. This property is highly visible on a major gateway into town. Efforts should include adding trees and other items to increase the aesthetic value.	Of course; any park should be inclusive.	256 Landon Ln
Activities for kids	Yes	29063 Cottontail Dr. Rhoadesville VA 22542
Keep an open mind and listen to your constituents.	Yes	11428 Westwind Drive, Orange, VA 22960
Public art in addition to other activities	Yes, although permanent skateboard facilities do not preclude other activities or prevent any age group from engaging with the space. Skateboarding, rollerblading, etc. are for all ages!	391 Piedmont Street

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Any other thoughts you have about how to utilize the former Gardner Property?

Should the park be for different age groups and have different activities

Your Address

We need something, anything for our youth in this spot and the Skate Park really seems to be thoughtfully planned and have a lot of energy behind it. I see both Cville Skate Parks every day on my Cville commute and they are always teaming with youth and instructors of all ages, in all seasons. It's great exercise and an affordable sport. This location will attract many youth in the Town due to it's walkable location.

A skate park can be for different age groups, but mainly one activity. I just don't want to see inaction on this space for years to come. Strike while the iron is hot. Skateboarding debuted in the 2021 Olympics and an optional sport, will be in the Paris 2024 Olympics as optional and then part of the permanent core program 2028+. The time for hometown skate parks is now. You never know who the next Tony Hawke might be.

The town should make a financial commitment for the MAINTENANCE of this park so that it remains safe, clean and appealing for continued community use for years to come. Many of the other parks in town area not cleaned, landscaped or kept up with usable bathrooms and this makes them feel unsafe and unappealing for families to use them

It should have areas that are for different age groups so that the whole community can enjoy it.

yes

Yes, it should benefit all citizens of the town not just one group of citizens.

The skate park would speak to a population that doesn't have a space for using ramps. We need more youth opportunities for activities in our community!

If there was a way to have the skate park with other space available for other activities that would be amazing but I think the skate park should be a priority. Youth need ACTIVE play areas! Thank you!

Yes, would love something that caters to toddlers as well as teens and everyone in between.

I like the energy created by Just Orange.

Nope, let's not dilute the vision. Keep this skatepark idea focused.

Making it the most multi functional property possible. Something that can be rented out to generate income for the town, and a event location for organizations and families.

Yes

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Any other thoughts you have about how to utilize the former Gardner Property?

Should the park be for different age groups and have different activities

Your Address

Splash pad / bigger park

Yes

Business location

Yes

Splash park

All ages

Lets get it done! Too much time has passed since buying the right of way/easement first came up. We have a dedicated and energetic bunch ready to do the heavy lifting to get something done in the town!

There are already many playgrounds and splashpad that cater to the toddler and early grade school ages. Pre-teens and teenagers have zero things available to them. This is a no brainer!

A skatepark can be designed to support all ages and skill levels

Something that the youth can enjoy.

Absolutely!

A skate park would be a fantastic idea.

Yes

Needs to be a site everyone can use.

Yes

A permanent skate park is a recreational space that can be used by ALL ages in the community whether they are participating in skateboarding or grandparents bringing their grandkids for fun...

6-40

Any other thoughts you have about how to utilize the former Gardner Property?

Should the park be for different age groups and have different activities

Your Address

As a park that has something for everyone

All ages should be able to utilize the park for recreation purposes!

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6-41

John Cooley

From: Anna Weatherly <AWeatherly@teci.pro>
Sent: Wednesday, August 30, 2023 12:40 PM
To: John Cooley
Subject: Phase II Estimate and Description

Mr. Cooley

We have an estimated range for a Phase II for Berry Hill Road and have provided a brief summary below. Based on our previous conversations, the below proposed SOW is geared toward the assumption that the Town's future plans for the property involve surface construction (e.g. athletic fields) and do not include extensive excavation. TEC is available for additional discussions on this prior to any Phase II work.

Based on all the information from the previous work conducted at 299 Berry Hill Road, combined with the recent Phase I, it seems that a ground penetrating radar would be prudent prior to collecting soil samples via Geoprobe. That would allow us to 'see' any underground anomalies and help ID where to collect the soil samples relative to past activities. The GPR event would be conducted on one day and the Geoprobe sampling would follow approximately a week later. Due to the nature of the proposed development, the depth of the probes would range from 5-10 feet below ground surface. At this point, we would estimate 17-18 soil samples be collected and this would hopefully take only one day.

The oil that flowed from the former shear building was reported to extend 20-30 feet outside of the door. TEC would collect four samples from each side of the building, two at 20 feet and two at 30 feet. Except for the northern side where only two samples will be collected due to the proximity of the adjoining property and where the previous building was located. In addition, three probes would be advanced through the former location of the concrete floor of the shear building.

Based on site history, each sample should be analyzed for the following parameters:
BTEX/MTBE/Naphth, TPH GRO, TPH DRO, TCLP RCRA 8 Metals, PCBs, PAHs, Sodium/Aluminum Testing, and Fluoride

Estimated cost for Phase II*:

- | | |
|--|--------------------------------|
| - GPR +Geoprobe, labor, professional geologist, travel, mileage, report. | Range of \$13,000 to \$16,000 |
| - Geoprobe – add'l day, if needed including labor, equip, supplies | Range of \$6,000-\$8,000 |
| - Laboratory analysis for above parameters | Approx. \$1,300-\$1,400/sample |
| o Not all soil samples need to be analyzed for all parameters, and cost will reflect | |

*excludes any offsite soil disposal (and associated add'l lab analyses) generated from cuttings

Anna Weatherly

John Cooley

From: Anderson, Meade (DEQ) <J.Meade.Anderson@deq.virginia.gov>
Sent: Wednesday, September 27, 2023 9:29 AM
To: John Cooley
Subject: Re: Town of Orange - Gardner Property Development

John

DEQ has no "open requirements" of Orange for this property. With that said, what does Orange want to do with the property?

If the property is enrolled into VRP, capping is an option to get a closure and capping is an option outside of VRP but it would not come with the protections provided by being in the program. But I would suggest again, what is the goal. To refresh my memory, was the property ever sampled once the building were razed and the site brought to grade? Those results would have a bearing on any decision.

Thanks

J. Meade R. Anderson, CPG
j.meade.anderson@deq.virginia.gov
804-659-1341
Manager, Brownfields & Voluntary Remediation Program
Virginia Department of Environmental Quality
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
<https://www.deq.virginia.gov/our-programs/land-waste/land-remediation/voluntary-remediation>

From: John Cooley <townplanner@townoforangeva.org>
Sent: Wednesday, September 27, 2023 8:26 AM
To: Anderson, Meade (DEQ) <J.Meade.Anderson@deq.virginia.gov>
Subject: Town of Orange - Gardner Property Development

Good morning Meade,

We are still working on how best to proceed with the development of the former Gardner property located at 299 Berry Hill Road in the Town of Orange. I have been asked to find out if we encapsulated the property with a gravel base and asphalt overlay, would that address potential environmental concerns of the DEQ?

Please let me know your thoughts.

Regards,



John G. Cooley AICP, CZA
Director of Community Development & Project Management
Town of Orange
235 Warren Street
Orange, Virginia, 22960
Office: (540) 672-6917
townplanner@townoforangeva.org

This correspondence is intended to provide information only and does not constitute a decision or determination pursuant to Section 15.2-2311 of the Code of Virginia.

NEW BUSINESS



NEW BUSINESS
Monday, October 16, 2023

AGENDA ITEM: 10A

Consideration of Resolution (RES2023-05) authorizing bringing a section of Route 20 under Town jurisdiction.

SUMMARY:

- Please see attached memorandum from the Director of Community Development.
- Please also see attached Resolution (RES2023-05) before Council for consideration.

MOTION:

“I move that Town Council adopt (RES2023-05) authorizing bringing a section of Route 20 under Town jurisdiction.”



**Town of Orange
Department of Community Development**

119 Belleview Avenue, Orange, Virginia 22960 - 1401

Phone: (540) 672-6917 Fax: (540) 672-4435

Email – townplanner@townoforangeva.org

MEMORANDUM

TO: Mayor Roby and Town Council Members

FROM: John G. Cooley, Director of Community Development

DATE: 10-10-2023

SUBJECT: Route 20 - Bringing a Portion under Town Maintenance

Town staff “discovered” during on of the friendly boundary line adjustments between the Town and the County that a section of Route 20, fronting on the former “Shadows” property, was brought into Town. Staff also found that the necessary paperwork to bring that section of Route 20 under Town maintenance control was never submitted to VDOT. The paperwork included with this memo is the paperwork need fix the oversight. VDOT has already reviewed the paperwork and has stated that the paperwork is correct.

Staff is requesting Town Council to approve the attached resolution as presented and to authorize Mayor Roby to sign the resolution.



RESOLUTION RES2023-05

**Petitioning the Department of Transportation for maintenance payments for certain streets
in the Urban Maintenance Inventory System (UMIS)**

WHEREAS, pursuant to the provisions of Virginia Code Section §33.2-319, the Virginia Department of Transportation makes payments to municipalities for the maintenance of qualifying highways; and

WHEREAS, Virginia Department of Transportation procedures require that municipalities requesting lane mileage additions and deletions for payments under §33.2-219 submit Form U-1, "Request for Street Additions, Deletions or Conversions for Municipal Assistance Street Payments," as approved by the municipality's governing body;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Orange, Virginia:

1. That the Town of Orange hereby petitions the Virginia Department of Transportation to accept those streets listed on Form u-1 for street maintenance payments; a copy of said Form U-1 being attached hereto and made a part of this resolution.
2. That Form U-1 and accompanying maps, and a copy of this resolution, shall be transmitted to the Resident Engineer/Administrator of the Virginia Department of Transportation.
3. That this resolution shall be in full force and effect upon its passage

ADOPTED by the Town Council of the Town of Orange, Virginia, this 16th day of

October, 2023

APPROVED:

Martha B. Roby, Mayor

ATTEST:

Wendy J. Chewning, MMC, Town Clerk



NEW BUSINESS
Monday, October 16, 2023

AGENDA ITEM: 10B

Consideration of date for December Town Council meeting.

SUMMARY:

- In December Town Council only holds one regular meeting and in the past it has been at the beginning of the month.
- Staff is recommending holding the regular December Town Council meeting on the work session meeting date, Monday, December 4th at 7 p.m. in the Town's Community Meeting Room.