

BOARD OF SUPERVISORS MINUTES

JANUARY 12, 2021

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 12, 2021, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; and Lee H. Frame. Absent: District 3 Vacancy. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheneay, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

Following a moment of silence, members of the Board shared their sentiments regarding the recent death of Supervisor S. Teel Goodwin.

RE: ELECTION OF THE CHAIRMAN

Theodore L. Voorhees, County Administrator, opened the floor for nominations for Chairman. Mr. Johnson nominated Mr. Crozier. There being no other nominations for Chairman, Mr. Frame made a motion, seconded by Mr. White, which carried by a vote of 4-0, to close the nominations.

On the motion of Mr. Johnson, seconded by Mr. White, which carried by a vote of 4-0, the Board adopted the following resolution, as presented:

**RESOLUTION TO APPOINT THE CHAIRMAN OF THE
ORANGE COUNTY BOARD OF SUPERVISORS FOR 2021**

WHEREAS, at the annual Organizational Meeting of the Orange County Board of Supervisors, the first order of business is to nominate and elect a Chairman of the Board; and

WHEREAS, James P. Crozier was nominated for a one-year term to begin January 12, 2021, and expire on the date of the Organizational Meeting in January, 2022, pursuant to the Bylaws for the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby appoints James P. Crozier as Chairman for a one-year term to begin January 12, 2021, and expire on the date of the Organizational Meeting in January, 2022, pursuant to the Bylaws for the Board of Supervisors.

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

RE: ELECTION OF THE VICE CHAIRMAN

Chairman Crozier opened the floor for nominations for Vice Chairman. Mr. White nominated Mr. Johnson. There being no other nominations for Vice Chairman, Mr. White made a motion, seconded by Mr. Frame, which carried by a vote of 4-0, to close the nominations.

On the motion of Mr. White, seconded by Mr. Frame, which carried by a vote of 4-0, the Board adopted the following resolution, as presented:

**RESOLUTION TO APPOINT THE VICE CHAIRMAN OF THE
ORANGE COUNTY BOARD OF SUPERVISORS FOR 2021**

WHEREAS, at the annual Organizational Meeting of the Orange County Board of Supervisors, the second order of business is to nominate and elect a Vice Chairman of the Board; and

WHEREAS, R. Mark Johnson was nominated for a one-year term to begin January 12, 2021, and expire on the date of the Organizational Meeting in January, 2022, pursuant to the Bylaws for the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby appoints R. Mark Johnson as Vice Chairman for a one-year term to begin

January 12, 2021, and expire on the date of the Organizational Meeting in January, 2022, pursuant to the Bylaws for the Board of Supervisors.

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

RE: APPOINTMENT OF CLERK AND CHIEF DEPUTY CLERK

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a roll call vote of 4-0, the Board adopted the following resolution, as presented:

RESOLUTION TO APPOINT THE CLERK AND CHIEF DEPUTY CLERK OF THE
ORANGE COUNTY BOARD OF SUPERVISORS FOR 2021

WHEREAS, at the annual Organizational Meeting of the Orange County Board of Supervisors, the third order of business is to appoint the Clerk and Chief Deputy Clerk of the Board; and

WHEREAS, the Board desires for the County Administrator and Chief Deputy Clerk to be appointed through the date of the Organizational Meeting in January, 2022, or until such a time that a subsequent appointment is made;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby appoints Theodore L. Voorhees, County Administrator, and Alyson A. Simpson, Chief Deputy Clerk, as Clerk and Chief Deputy Clerk, respectively, through the date of the Organizational Meeting in January, 2022, or until such a time that a subsequent appointment is made.

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

RE: RESOLUTION TO ESTABLISH THE REGULAR MEETING SCHEDULE FOR 2021

On the motion of Mr. Frame, seconded by Mr. White, which carried by a roll call vote of 4-0, the Board adopted the following resolution, as presented:

A RESOLUTION TO ESTABLISH THE
BOARD OF SUPERVISORS' REGULAR MEETING SCHEDULE FOR 2021

WHEREAS, Section 15.2-1416 of the Code of Virginia, 1950, as amended, requires the Board to adopt a resolution setting forth the days, times, and place of the Regular Meetings of the Board to be held during the ensuing months;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby establishes that its Regular Meetings will be held in the Gordon Building, 112 West Main Street, Orange, Virginia, unless otherwise stated, on the following dates and starting at the following times:

January 12 at 5:00 PM	Organizational Meeting and Regular Meeting
January 26 at 5:00 PM	Regular Meeting
February 9 at 5:00 PM	Regular Meeting
February 23 at 5:00 PM	Regular Meeting
March 9 at 5:00 PM	Regular Meeting
March 23 at 5:00 PM	Regular Meeting
April 13 at 5:00 PM	Regular Meeting
April 27 at 5:00 PM	Regular Meeting
May 11 at 5:00 PM	Regular Meeting
May 25 at 5:00 PM	Regular Meeting
June 8 at 5:00 PM	Regular Meeting
June 22 at 5:00 PM	Regular Meeting

July 13 at 5:00 PM	Regular Meeting
July 27 at 5:00 PM	Regular Meeting
August 10 at 5:00 PM	Regular Meeting
August 24 at 5:00 PM	Regular Meeting
September 14 at 5:00 PM	Regular Meeting
September 28 at 5:00 PM	Regular Meeting
October 12 at 5:00 PM	Regular Meeting
October 26 at 5:00 PM	Regular Meeting
November 17 at 6:00 PM	Regular Meeting at Lake of the Woods Clubhouse, Locust Grove, Virginia
December 7 at 5:00 PM	Regular Meeting
December 21 at 5:00 PM	Regular Meeting

BE IT FURTHER RESOLVED, that pursuant to the authority set forth in Section 15.2-1416 of the Code of Virginia, 1950, as amended, if the Chairman, or Vice Chairman, is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the members to attend a regularly-scheduled meeting, such declared meeting shall be continued to the following Tuesday, to begin at 5:00 PM, and to be held in the Board Meeting Room.

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

RE: ANNUAL REVIEW OF BYLAWS

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board adopted its Bylaws for 2021, as presented.

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

RE: APPOINTMENT OF BOARD MEMBERS TO VARIOUS BOARDS, COMMISSIONS, COMMITTEES, AND ORGANIZATIONS

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board adopted the list of various Board, Commission, Committee, and Organization assignments for 2021, as modified, with the understanding the assignments may need to be reconsidered upon the appointment of an Interim District Three Supervisor.

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

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Emily Van Santvoord, owner of The Light Well, gave a presentation to the Board highlighting the recent ten-year anniversary of her business.

The Board thanked Ms. Van Santvoord for her presentation.

RE: PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FY2019-FY2020

Betsy Hedrick, CPA, Partner with PB Mares, provided a brief overview of the County's Independent Auditor's Report for Fiscal Year 2019-2020, as required by Code. Ms. Hedrick reviewed highlights from the Audit Report, indicating that an unmodified opinion had been issued.

The Board thanked Ms. Hedrick for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board adopted the Consent Agenda, as presented.

RE: FY21 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30045050-36175	Tobacco Grant - Off. On Yth.	\$ (73,918.00)	\$ 42,326.00	\$ (31,592.00)
45374001-41322	Wages - Part-Time	31,314.00	(29,862.00)	1,452.00
45374001-42100	FICA & Medicare	2,396.00	(2,285.00)	111.00
45374001-42710	Workers Comp.	64.00	(63.00)	1.00
45374001-43070	Comp. - Training Stipends	1,000.00	(1,000.00)	0.00
45374001-45540	Tuition/Registration	2,256.00	(2,228.00)	28.00
45374001-46000	Office Supplies	5,088.00	(5,088.00)	0.00
45374001-46500	Other Operating Supplies	1,800.00	(1,800.00)	0.00
30046008-37210	Cat. Aid - Fed - Utility Assist.	0.00	(79,239.00)	(79,239.00)
43551003-43710	Rental & Utility Assistance	145,000.00	79,239.00	224,239.00
30052010-39900	Appropriated Fund Balance	(1,918,859.00)	(4,350.00)	(1,923,209.00)
44270001-43365	Haz Mat Disposal	25,000.00	4,350.00	29,350.00
30052001-39900	Gen. Fund Bal. (Earmarked)	(3,706,792.00)	(450,000.00)	(4,156,792.00)
48188001-47740	Contrib. to BbA Operations	588,793.00	450,000.00	1,038,793.00
TOTALS		\$ (4,896,858.00)	\$ 0.00	\$ (4,896,858.00)

RE: RESOLUTION TO EXTEND THE DUE DATE FOR SUPPLEMENTAL TAX BILLS

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION TO EXTEND THE DUE DATE FOR SUPPLEMENTAL TAX BILLS FOR 2020

WHEREAS, in accordance with §58.1-3916 of the Code of Virginia, the governing body of any county, city, or town may, by ordinance, provide dates for filing returns, set penalties and interest, and the like, related to the enforcement and collection of local taxes; and

WHEREAS, the governing body may further provide, by resolution, for reasonable extensions of time, not to exceed 90 days, for the payment of real estate and personal property taxes and for filing returns on tangible personal property, machinery and tools, and merchants' capital, and the business, professional, and occupational license tax, whenever good cause exists; and

WHEREAS, the global COVID-19 (Coronavirus) Pandemic has impacted many businesses and residents such that the ability to pay taxes has been disrupted;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby extends the due date for supplemental tax bills for 2020 from February 19, 2021, to March 19, 2021, with no interest or penalty; and

BE IT FURTHER RESOLVED, that all taxpayers of Orange County, Virginia shall automatically receive said 30-day extension without interest or penalty; and

BE IT YET FURTHER RESOLVED, that the Orange County Treasurer is hereby authorized to extend the due date for an additional 30 to 60 days, should a taxpayer present evidence of good cause; and

BE IT FINALLY RESOLVED, that interest and penalty shall be calculated retroactive to the original due date of February 19, 2021, should payment of the taxes not occur by the extended due date.

RE: LETTER OF SUPPORT FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES' GRANT FUNDING

As part of the Consent Agenda, the Board authorized the County Administrator to sign and send a letter of support to Rappahannock-Rapidan Community Services on behalf of the Board of Supervisors regarding their request for funding from the Commonwealth of Virginia to purchase a total of eight (8) vehicles to be used in their various transportation programs, as presented.

RE: MINUTES

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

- December 1, 2020 Regular Meeting
- December 15, 2020 Worksession
- December 15, 2020 Regular Meeting

RE: NEW BUSINESS

RE: AUTHORIZATION OF DELTA AIRPORT CONSULTANTS' TASK ORDER #9 FOR CONSTRUCTION ADMINISTRATION AND SURVEY

Kurt Hildebrand, Assistant County Administrator for Operations, explained that staff had received a Task Order from Delta Airport Consultants for construction administrative services and surveying, as related to the obstruction removal activities for Runway 26 of the Airport. He provided the Board with a copy of the Task Order.

Mr. Hildebrand noted that, because this project involved trimming and/or removal of trees from privately-owned parcels, Delta would provide a Resident Project Representative that would always be on-site when the contractor was working. This would aid in maintaining a positive relationship between the parcel owners, the contractor, and the County. Mr. Hildebrand added that Delta would also use a sub-consultant to provide aerial surveys after the obstructions were removed, which would provide the data necessary to implement the desired enhanced approach and to verify that all obstructions were removed.

Mr. Hildebrand reviewed the proposed cost and indicated that an Independent Fee Estimate had been submitted for FAA approval. Because the proposed fee was within budget and within the Fee Estimate, he requested approval of the Task Order, pending FAA concurrence.

Discussion ensued among the Board regarding: the frequency at which the trees were checked for obstructions; and grant eligibility in future years.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board authorized execution of Delta Airport Consultant's Task Order #9 for RW 26 Obstruction Removal - Phase II in the amount of \$215,000, to be funded via FAA Grant 3-51-0037-020-2020, pending FAA concurrence, as presented.

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

RE: AWARD OF THE CONTRACT TO MTM ENTERPRISES, LLC FOR AIRPORT OBSTRUCTION REMOVAL

Kurt Hildebrand, Assistant County Administrator for Operations, stated that the Board had previously authorized staff to apply for and execute a grant from the FAA for design and construction of obstruction removal for Runway 26 of the Airport. He reported that a grant had been received for the work and was funded 100% by the FAA (no local match).

Mr. Hildebrand noted that a solicitation had been advertised and two bids had been received, with the low bidder being MTM Enterprises, LLC. He explained that MTM had performed similar obstruction removal work at other airports, including Indianapolis International Airport and Tri-State Steuben County Airport. Mr. Hildebrand indicated that, once some discrepancies were clarified, MTM's bid amount was confirmed at \$298,375. As such, staff recommended award of the contract to MTM Enterprises, LLC.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board authorized staff to execute a contract with MTM Enterprises, LLC for removal of obstructions for Runway 26 of the Orange County Airport in the amount of \$298,375, as presented.

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

RE: ADOPTION OF A MEMORANDUM OF UNDERSTANDING AND BUSINESS ASSOCIATE AGREEMENT WITH THE BROADBAND AUTHORITY

Thomas Lacheney, County Attorney, explained that the Broadband Authority employees had been participating in the County's health care program to-date and desired to continue participating in the program. As such, adoption of a Memorandum of Understanding was necessary to enhance the legal distinction between the County and the Authority and to define the obligations of each party in the coverage arrangement. Additionally, Mr. Lacheney indicated a Business Associate Agreement was required by Federal law in order to comply with HIPAA regulations. The Agreement would define each party's responsibility in protecting the sensitive health information of each other's employees under the health care program.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board adopted the Memorandum of Understanding and the Business Associate Agreement with the Orange County Broadband Authority, as presented.

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

RE: LINE OF CREDIT AGREEMENT WITH THE BROADBAND AUTHORITY

Glenda Bradley, Assistant County Administrator for Management Services, provided a Line of Credit Agreement to the Board for its consideration. She explained that the agreement outlined the terms of a short-term loan to the Broadband Authority as a temporary source of funding for the ongoing construction of the broadband network until such a time the financing for the revenue could be completed.

Ms. Bradley noted that Davenport and Company was currently working to prepare an application for the spring Virginia Resources Authority bond issue and would also be requesting

pricing from individual financial institutions to determine the most economical source of permanent financing for the broadband project. However, in order to avoid a delay in construction, the Authority had requested this line of credit loan from the General Fund balance up to \$2,000,000. Ms. Bradley indicated the loan would be reimbursed from the proceeds of the permanent financing.

Discussion ensued among the Board regarding: amending the due date from April 1, 2021 to June 1, 2021 in order to allow adequate time for the financing to be secured.

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board authorized the execution of the Line of Credit Agreement, as modified, and adopted the following resolution, as presented:

RESOLUTION TO DECLARE INTENTION TO REIMBURSE ORIGINAL EXPENDITURES FOR A SHORT-TERM LOAN OF UP TO \$2 MILLION TO THE ORANGE COUNTY BROADBAND AUTHORITY FROM THE PROCEEDS OF ONE OR MORE FINANCINGS

WHEREAS, Orange County, Virginia (the "County") is in the process of exploring avenues for long-term financing of \$10 to \$13 Million for continued construction of a County-wide broadband network by the Orange County Broadband Authority (the "Broadband Authority"); and

WHEREAS, the Board of Supervisors has determined that it may be necessary or desirable to provide up to \$2,000,000 in funds to the Broadband Authority to pay certain capital costs to avoid a delay in construction; and

WHEREAS, a Line of Credit Agreement between the County and the Broadband Authority, which details the terms of the short-term loan, has been prepared by the County Attorney's Office;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of January, 2021, that the Orange County Board of Supervisors hereby establishes the following:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse any advances made by the County to the Broadband Authority in accordance with the executed Line of Credit Agreement from the proceeds of the subsequent applicable debt obligation. The maximum amount of debt or other financing expected to be issued in one series for upcoming broadband construction projects is \$13,000,000.
3. On the date each capital cost is paid, it will be a capital expenditure (or would be with a proper election) under general Federal income tax principles or will otherwise comply with the requirements of Treasury Regulations Section 1.150-2(d)(3).
4. The adoption of this Resolution is consistent with the budgetary and financial circumstances of the County.
5. This resolution shall take effect immediately.

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

RE: OLD BUSINESS

RE: ADOPTION OF THE REVISED PROCUREMENT, SURPLUS DISPOSITION, AND VENDOR DEBARMENT POLICIES

Stephanie Straub, Assistant to the County Administrator, presented the revised versions of the Procurement, Surplus Disposition, and Vendor Debarment Policies to the Board. She

explained the policies had been discussed at the Board's worksession on December 15, 2020, and the requested change to the Surplus Disposition Policy had been made. As such, the Policies were presented for adoption at this time.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board adopted the revised Procurement, Surplus Disposition, and Vendor Debarment Policies, as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS
There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT
The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT
The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT
Supervisor Johnson commented on the need for design standards and commitments on Rezoning applications going forward. He expressed disappointment with the condition of the Dollar General in Unionville, citing deficiencies in the hardiplank siding and outdoor security fencing.

Supervisor Frame reported on the CARES Act funds that had been provided to Rapidan Service Authority, noting that customers had received relief on their utility bills as a result of the funding.

Supervisor White announced that the FiberLync website was now live.

RE: INFORMATIONAL ITEMS
The Board received the following correspondence for its information:

- Rapidan Service Authority Minutes; September 17, 2020
- VDOT Monthly Report for January

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
There were no appointments at this time.

RE: CALENDAR
The Board received copies of its calendar of meetings for the months of January 2021, February 2021, and March 2021.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 20-02 (ZONING TEXT AMENDMENT; SETBACKS ON ROUTE 20 IN BARBOURSVILLE)
On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board authorized staff to advertise for and schedule a Public Hearing for ZTA 20-02 (Zoning Text Amendment; Setbacks on Route 20 in Barbourville) on Tuesday, February 9, 2021.

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

RE: CLOSED MEETING

At 6:07 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning vacancies on the Board of Supervisors. - §2.2-3711(A)(8) of the Code of Virginia

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

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

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

RE: CERTIFICATION OF CLOSED MEETING

At 6:52 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

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

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

RE: LETTERS OF INTEREST FOR DISTRICT THREE VACANCY

By consensus, the Board authorized staff to issue a Press Release and publish an advertisement in the Orange Review and the Free Lance-Star regarding the acceptance of letters of interest for appointment as Interim District 3 Supervisor.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board adjourned the meeting at 6:53 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator