

BOARD OF SUPERVISORS MINUTES**JANUARY 26, 2021**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 26, 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. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: QUARTERLY UPDATE FROM THE FIRE CHIEFS ASSOCIATION**

Chief Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association.

The Board thanked Chief Mendonca for the update.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, 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
30030006-33500	Donations - Animal Shelter	\$ (8,661.00)	(1,549.00)	(10,210.00)
43520003-43115	Prof. Serv. - Emergency Vet	141,239.00	1,549.00	142,788.00
30030006-33500	Donations - Animal Shelter	(8,661.00)	(1,036.00)	(9,697.00)
43520003-43115	Prof. Serv. - Emergency Vet	141,239.00	1,036.00	142,275.00
30030006-33500	Donations - Animal Shelter	(8,661.00)	(2,105.00)	(10,766.00)
43520003-43115	Prof. Serv. - Emergency Vet	141,239.00	2,105.00	143,344.00
30030006-33500	Donations - Animal Shelter	(8,661.00)	(520.00)	(9,181.00)
43520003-43115	Prof. Serv. - Emergency Vet	141,239.00	520.00	141,759.00
30030006-33500	Donations - Animal Shelter	(8,661.00)	(662.00)	(9,323.00)
43520003-43115	Prof. Serv. - Emergency Vet	141,239.00	662.00	141,901.00
30030002-33625	Donations - Triad	(3,680.00)	(2,500.00)	(6,180.00)
43177003-46800	Project Lifesaver Expenses	2,194.00	2,500.00	4,694.00
30033501-33250	Miscellaneous	(68,896.00)	(10,000.00)	(78,896.00)
49310001-47312	To County Capital Projects	687,884.00	10,000.00	697,884.00
30045004-33250	Miscellaneous	0.00	(5,038.00)	(5,038.00)
43120006-46800	Sheriff Forfeited Asset Exp.	48,196.00	5,038.00	53,234.00
30045004-35975	FA - DCJS for Sheriff	0.00	(3,781.00)	(3,781.00)

43120006-46800	Sheriff Forfeited Asset Exp.	48,196.00	3,781.00	51,977.00
30045003-35750	FA - DCJS for Comm. Atty.	0.00	(851.00)	(851.00)
42210002-46800	Comm. Atty. For. Asset Exp.	12,511.00	851.00	13,362.00
30045041-36050	Fire Programs	(99,300.00)	(4,603.00)	(103,903.00)
43220015-45500	Training Expenses	99,300.00	4,603.00	103,903.00
30045060-35950	State Share - Libraries	(166,260.00)	(9,644.00)	(175,904.00)
47310001-46016	Dig. Content for Public Use	18,000.00	2,000.00	20,000.00
47310001-46460	Books - Adult - PO	18,000.00	1,000.00	19,000.00
47310001-46462	Books - Adult - Oth. Vendors	5,583.04	444.00	6,027.04
47311001-46016	Dig. Content for Public Use	16,250.00	2,000.00	18,250.00
47311001-46460	Books - Adult - PO	13,000.00	850.00	13,850.00
47311001-46462	Books - Adult - Oth. Vendors	3,324.00	350.00	3,674.00
47312001-46016	Dig. Content for Public Use	7,550.00	2,000.00	9,550.00
47312001-46460	Books - Adult - PO	7,202.00	750.00	7,952.00
47312001-46462	Books - Adult - Oth. Vendors	817.96	250.00	1,067.96
TOTALS		\$ 1,312,762.00	\$ 0.00	\$ 1,312,762.00

RE: MINUTES

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

- January 12, 2021 Worksession
- January 12, 2021 Regular Meeting

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT TO WITMER PUBLIC SAFETY GROUP FOR FIRE & EMS UNIFORMS AND ACCESSORIES

Amanda Amos, Procurement Coordinator, explained that staff recently released an Invitation for Bid for qualified vendors to provide Fire & EMS uniforms and accessories, for which the County received one (1) response.

Ms. Amos reported that Witmer Public Safety Group was the apparent low bidder for all requested products. She indicated staff's recommendation was to authorize a contract with Witmer Public Safety Group for a period of one (1) year, subject to the annual appropriation of funds.

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 4-0, the Board authorized staff to enter into a contract with Witmer Public Safety Group for a period of one (1) year, with the option to renew for four (4) additional terms, with the understanding the contract was subject to the annual appropriation of funds by the Board of Supervisors, as presented.

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

RE: ADOPTION OF A MEMORANDUM OF UNDERSTANDING WITH THE BROADBAND AUTHORITY FOR VIRGINIA RETIREMENT SYSTEM BENEFITS

Thomas Lacheney, County Attorney, explained that the Broadband Authority was in the process of establishing its own account with the Virginia Retirement System (VRS). However, the account was estimated to take between four (4) and six (6) months to establish. Mr. Lacheney recommended that the Broadband Authority be permitted to continue utilizing the County's VRS account until such time the new VRS account was ready. He added that the Broadband Authority

would reimburse the County for all VRS employer contributions and that Broadband Authority employees would make all necessary employee contributions. Mr. Lacheney provided the Board a Memorandum of Understanding for its consideration, which would accomplish such action.

Discussion ensued among the Board regarding: the fact this arrangement was temporary; and the estimated date of July 1, 2021 to have the new VRS account established.

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 with the Orange County Broadband Authority for Virginia Retirement System benefits, as presented.

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

RE: PURCHASE OF A MOBILE CLINIC FOR THE ANIMAL SHELTER

Kurt Hildebrand, Assistant County Administrator for Operations, explained that staff had previously summarized the current challenges regarding veterinarian services at the Animal Shelter. He noted that Dr. Jacobson had served as the veterinarian for many years, working from an RV-style mobile clinic that allowed for animals to be examined and treated on-site. However, Dr. Jacobson would be reducing her hours and days of work and would be selling the mobile clinic.

Mr. Hildebrand stated that because Dr. Jacobson would be reducing her hours and because transporting animals to local veterinarian offices was less than desirable, staff believed the best solution would be to purchase the mobile clinic. Should the clinic be purchased by the County, Dr. Jacobson was agreeable to working for the Shelter one day a week for two (2) years, with the potential to work additional days if the Shelter became crowded. Mr. Hildebrand added that this proposal could be addressed via an amendment to the current contract held between Orange County and Dr. Jacobson. Additionally, the Shelter would continue to operate under Dr. Jacobson's license, and Shelter staff member Elizabeth Thomas could use the mobile clinic to perform examinations and/or assessments on the days when Dr. Jacobson was not on-site.

Mr. Hildebrand reviewed the specs and condition of the mobile clinic, indicating that Dr. Jacobson was willing to sell the unit for \$90,000, with a new unit estimated to cost \$280,000. At this time, staff requested the Board's consideration to purchase the mobile clinic, with a suggested funding source of the General Fund balance. Mr. Hildebrand explained the Animal Shelter operating budget could be reduced by \$31,200 per year with the elimination of a vacant full-time position and, if operations went well using the mobile clinic, a second full-time position could potentially be eliminated in future years.

Discussion ensued among the Board regarding: annual maintenance costs; care and inspection of the specialized equipment; and maintenance and use of the diesel generator.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board authorized the transfer of \$90,000 from the General Fund balance to the County Capital Projects Fund to be used for the purchase of the mobile clinic from Dr. Jacobson, as identified, and authorized the amendment of the contract between Orange County and Dr. Jacobson for veterinarian services to reflect the modified scope of work, as presented.

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

RE: OLD BUSINESS

RE: REIMBURSEMENT OF THE SHELTER AT THE UNIONVILLE PARK

Theodore L. Voorhees, County Administrator, explained that the County was finalizing the transfer of property from Kenny Dotson at the Unionville park site. A shelter that would serve the

County well for picnic rentals existed on the property and was likely installed by the church that owned the property prior to Mr. Dotson's acquisition for the Dollar General rezoning. The shelter had a tax value of \$8,600, and Mr. Dotson was requesting reimbursement for the shelter.

Mr. Voorhees indicated that if the Board chose to reimburse Mr. Dotson for the shelter, the potential funding source would be the General Fund contingency, which had a balance of \$324,000.

Discussion ensued among the Board regarding: the size of the parcel; and the proposal from staff to use the shelter for community rentals.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 3-1, with Mr. Johnson voting against, the Board authorized the transfer of \$8,600 from the General Fund contingency to be used for the reimbursement to Kenny Dotson for the shelter located at the Unionville park site, as presented.

Ayes: White, Crozier, Frame. Nays: Johnson.

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
Theodore L. Voorhees, County Administrator, provided a brief legislative summary to the Board, as related to the current General Assembly session.

Discussion ensued among the Board regarding: opposition of the legislation to relax the terms and requirements for solar companies.

RE: BOARD COMMENT
Chairman Crozier provided an update on the Central Virginia Regional Jail, explaining the Jail had handled its COVID cases very well. He also indicated the Jail had purchased a simulator to be used for training related to active shooter and other emergency situations.

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

- CSA Monthly Report
- Economic Development Quarterly Report
- Social Services Quarterly Report
- Culpeper Soil and Water Conservation District Minutes; December 1, 2020

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
By consensus, the Board re-appointed James Reid as the Orange County Representative on the Virginia Alcohol Safety Action Program (VASAP) Board for a three-year term, with said term commencing March 14, 2021, and expiring on March 13, 2024.

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 A SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT (CARES ACT TRANSFER)

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for a supplemental appropriation and budget amendment (CARES Act Transfer) on Tuesday, February 9, 2021.

RE: CLOSED MEETING

At 5:36 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning Rapidan Service Authority. - §2.2-3711(A)(7) of the Code of Virginia
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning taxation issues and the vacancy on the Board of Supervisors. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(7) and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

On the motion of Mr. White, seconded by Mr. Frame, 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: RECESS CLOSED MEETING

The Board recessed its Closed Meeting at 6:01 p.m.

RE: PUBLIC HEARING #1; STA 20-01

Sandra Thornton, Planning Services Manager, presented the staff report regarding proposed amendments to Section 54-20 of the Orange County Subdivision Ordinance to require notification when a waiver or modification was granted by the Subdivision Agent. She reviewed the proposed language, indicating that the Planning Commission's vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: an amendment to the proposed language to require that adjoining property owners also be notified of the waiver or modification.

At 6:04 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

STA 20-01

The Board of Supervisors will consider an amendment to Section 54-20 of the Subdivision Ordinance. The purpose of the amendment is to provide for notification to the Planning Commission of waivers or modifications of subdivision ordinance requirements as may be granted by the Subdivision Agent.

Chairman Crozier read the following statement:

Because this meeting is being conducted remotely, there is no opportunity for physical public access to the meeting and no opportunity for public comment. However, all interested persons are invited

to submit written comments for the Board's consideration. Written comments may be submitted by mail or by email and must be received by 5:00 p.m. on Monday, February 8, 2021. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, February 9, 2021, after reviewing any written comments received.

RE: PUBLIC HEARING #2; ZTA 20-01

Sandra Thornton, Planning Services Manager, presented the staff report regarding proposed amendments to Sections 70-306, 70-336, and 70-366 of the Orange County Zoning Ordinance to eliminate contradictions regarding the granting of special exceptions by the Board of Zoning Appeals. She reviewed the proposed language, indicating that the Planning Commission's vote resulted in a recommendation of approval.

At 6:12 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

ZTA 20-01

The Board of Supervisors will consider amendments to Sections 70-306(h), 70-336(g), and 70-366 (6) of the Zoning Ordinance. The purpose of the amendments is to eliminate contradictions with Section 70-64 of the Zoning Ordinance, which provides that the Board of Zoning Appeals has no authority to grant special exceptions.

Chairman Crozier read the following statement:

Because this meeting is being conducted remotely, there is no opportunity for physical public access to the meeting and no opportunity for public comment. However, all interested persons are invited to submit written comments for the Board's consideration. Written comments may be submitted by mail or by email and must be received by 5:00 p.m. on Monday, February 8, 2021. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, February 9, 2021, after reviewing any written comments received.

RE: RECONVENE CLOSED MEETING

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board reconvened its Closed Meeting at 6:13 p.m.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:16 p.m., Mr. Voorhees 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: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, the Board adjourned the meeting at 7:17 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator