

BOARD OF SUPERVISORS MINUTES

MARCH 9, 2021

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, March 9, 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; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: REMOTE PARTICIPATION

Pursuant to the Board of Supervisors' Bylaws, Supervisor Marshall joined via Zoom video conference so that he could participate in the meeting remotely as he was out of town. As such, the minutes are required to reflect that Supervisor Marshall participated from South Carolina for the remainder of the meeting.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: INTRODUCTION OF PLANNING AND DEVELOPMENT SERVICES DIRECTOR

Theodore L. Voorhees, County Administrator, introduced Josh Gillespie, newly-hired Planning and Development Services Director, to the Board.

The Board welcomed Mr. Gillespie.

RE: BUSINESS SPOTLIGHT

Jason Cashell, Owner of Mayhurst Inn, appeared before the Board to spotlight his business.

The Board thanked Mr. Cashell for his presentation.

RE: LIFESAVING AWARDS

The Board presented Lifesaving Awards to the following individuals for their heroic contributions during a Sudden Cardiac Arrest event in November, 2020, which ultimately saved a life: Jeremy Brown; Jayden Rodriguez; Simon Gray; Chris Barrett; Noah Madden; Mark Sikora; Mike Cianci; and Thomas Lillie.

The Board thanked the recipients for their honorable service.

RE: PRESENTATION FROM THE MONTPELIER FOUNDATION

Roy Young, President and CEO of James Madison's Montpelier, explained that The Montpelier Foundation had requested that the County serve as the pass-through organization for its receipt of a grant from the Virginia Department of Historic Resources. He was joined by Cara Sisson, Chief Advancement Officer with Montpelier, and Jim Hare, Director of Special Projects with the Virginia Department of Historic Resources.

Discussion ensued among the Board regarding: what the intent was to require State funds to pass through a locality for a non-profit organization; clarification of the roles in the proposed MOU; the process of monitoring the receipt of matching funds in order to release the grant funds; the recent change in matching fund requirements; financial monitoring and reporting requirements;

revised language of the proposed MOU; input from the County on the project at Montpelier; and an overview of the training and education efforts proposed as part of the grant.

The Board took the information regarding The Montpelier Foundation's request under advisement, and there was no action taken at this time.

RE: PRESENTATION ON DRUG COURT COORDINATOR

The Honorable Judge David Franzén provided a presentation to the Board regarding implementation of a Drug Court and installation of a Drug Court Coordinator. He reported on the proposed structure of the Drug Court; the intended outcomes; eligibility for the Drug Court program; and the requested funding percentage of both Orange and Madison Counties.

Discussion ensued among the Board regarding: whether the implementation of Drug Court would add additional court days; the need to be ahead of other potential financial impacts, such as increases in deputies or increases in transportation; the range of charges or offenses that would be eligible for Drug Court; whether there was adequate availability of counseling services; and the timeline for implementing the program.

The Board took the information regarding the Drug Court and Coordinator under advisement, and there was no action taken at this time.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, 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
30033502-33250	Miscellaneous	\$ (120.00)	\$ (1,500.00)	\$ (1,620.00)
43120001-46350	Police Supplies	49,600.00	1,500.00	51,100.00
30052001-39900	Appropriated Fund Balance	(4,241,784.76)	(5,554.00)	(4,247,338.76)
41233001-43010	Board Member Comp.	0.00	1,860.00	1,860.00
41233001-43600	Advertising / Notices	0.00	218.00	218.00
41233001-45210	Postage	0.00	69.00	69.00
41233001-45510	Mileage / Tolls / Parking	0.00	337.00	337.00
41233001-46000	Office Supp. - Other	0.00	3,070.00	3,070.00
TOTALS		\$ (4,192,304.76)	\$ 0.00	\$ (4,192,304.76)

RE: FY21 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation and budget amendment for FY21 for Orange County Public Schools in the amount of \$165,120 in the School Operating Fund, which represented School Security Equipment, Virginia Tiered Systems of Supports, and Virginia Preschool Program Grant proceeds, as presented.

RE: MINUTES

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

- February 23, 2021 Worksession
- February 23, 2021 Regular Meeting

RE: NEW BUSINESS

RE: USE OF COMMUNITY DEVELOPMENT AUTHORITIES FOR THE FINANCING OF PUBLIC IMPROVEMENTS

Theodore L. Voorhees, County Administrator, provided a PowerPoint Presentation to the Board, which included information on the following: the history of Community Development Authorities (CDAs); the definition of a CDA; the purpose of a CDA; the process to create a CDA; the powers of a CDA; the types of facilities that could be financed; the issuance of revenue bonds and assumption of debt by CDAs; revenue options; benefits of CDAs; and examples of CDAs.

The Board took the information regarding Community Development Authorities under advisement, and there was no action taken at this time.

RE: RESOLUTION TO APPOINT THE ZONING ADMINISTRATOR AND SUBDIVISION AGENT

Theodore L. Voorhees, County Administrator, explained that, since the Planning and Development Services Director had been hired, it would be appropriate for the Board to appoint Mr. Gillespie as the Zoning Administrator and Subdivision Agent.

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

RESOLUTION TO APPOINT THE ZONING ADMINISTRATOR AND SUBDIVISION AGENT
FOR ORANGE COUNTY, VIRGINIA

WHEREAS, Section 70-36 of the Orange County Code of Ordinances requires that the Board of Supervisors appoint the Zoning Administrator; and

WHEREAS, Section 54-16 of the Orange County Code of Ordinances delegates certain authorities and powers to the Subdivision Agent, and the Board of Supervisors has the ability to formally designate said Subdivision Agent; and

WHEREAS, Josh Gillespie, Planning and Development Services Director, is well qualified for the appointment of Zoning Administrator and designation as Subdivision Agent, by both experience and training;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of March, 2021, that the Orange County Board of Supervisors hereby appoints Josh Gillespie, Planning and Development Services Director, or his designee, as the Zoning Administrator and Subdivision Agent for Orange County, Virginia until such time a subsequent appointment is made by resolution of the Board; and

BE IT FURTHER RESOLVED, that this appointment shall be effective as of March 9, 2021, and shall replace and supersede any previous appointments as Zoning Administrator and/or Subdivision Agent.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

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, reported on a recent conference call regarding cigarette taxation. He explained that a resolution regarding regional taxation would be forthcoming for the Board's consideration.

RE: BOARD COMMENT
Supervisor Frame reported that the General Assembly had appropriated \$36 million for Germanna Community College's healthcare facility at the Locust Grove Campus. He also commented on the implementation of the Marcus Alert System for mental health and substance abuse awareness.

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

- Finance Quarterly Report
- Parks and Recreation Quarterly Report
- Rapidan Service Authority Minutes; October 15, 2020
- Airport Commission Minutes; September 9, 2020
- Health Center Commission Minutes; December 4, 2020

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
By consensus, the Board re-appointed Beth Wilbanks as the District Three Representative on the Library Board of Trustees for a four-year term, with said term commencing July 1, 2021 and expiring on June 30, 2025.

By consensus, the Board appointed Jennifer Porter as the At-Large Representative on the Library Board of Trustees, filling the unexpired four-year term of Donald Lundry, with said term commencing immediately and expiring on June 30, 2023.

By consensus, the Board re-appointed Maurice Moody as an Orange County Representative on the Rappahannock Emergency Medical Services Council for a three-year term, with said term commencing July 1, 2021 and expiring on June 30, 2024.

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

RE: CONSIDERATION TO SCHEDULE A PUBLIC HEARING FOR SUP 20-04 (MOUNTAIN VIEW COMMUNITY CHURCH; RESIDENTIAL TREATMENT CENTER)
This item was struck from the agenda.

RE: CONSIDERATION TO SCHEDULE A PUBLIC HEARING FOR SUP 20-05 (REDFISH SOLAR PARTNERS, LLC; SOLAR ENERGY GENERATION FACILITY)
This item was struck from the agenda.

RE: PUBLIC HEARING #1; REZ 21-01 (HOP ON ENTERPRISES, LLC)

Sandra Thornton, Planning Services Manager, presented the staff report and Rezoning request from Hop On Enterprises, LLC, which included information on the location and specifications of the subject property, the use as a pick-your-own operation with a craft brewery, farm winery, and recreational space, the proffers volunteered by the applicant, and the recommendation of conditional approval from the Planning Commission.

Discussion ensued among the Board regarding: whether or not the applicant could or was intending to “proffer away” certain by-right and special uses.

At 6:46 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

REZ 21-01

The Board of Supervisors will consider an application from Hop On Enterprises, LLC to rezone property at 12731 Gordon Avenue, Gordonsville, from General Residential (R-2) to Agricultural (A) in order to cultivate crops for a pick-your-own operation in addition to a craft brewery, farm winery, and recreational space. The property is identified as Tax Map Parcels 68A1-2-1-17, 18, 19, 20, 21, 22, 39, 40, 41; 68A1-2-2-23, 42, 43, 44, 45; and 68A1-2-3-46. The property contains approximately 6 acres and is situated in the Town/Suburban Recommended Future Land Use category as described in the Orange County Comprehensive Plan.

Alyson Simpson, Chief Deputy Clerk, 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, March 22, 2021. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, March 23, 2021, after reviewing any written comments received.

RE: CLOSED MEETING

At 6:49 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning Constitution Highway. - §2.2-3711(A)(3) of the Code of Virginia
- 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 Rapidan Service Authority and conduit right-of-way access. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(3), (A)(7), and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:44 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, Marshall, Crozier, Frame. Nays: None.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 7:44 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator