

BOARD OF SUPERVISORS MINUTES

MARCH 23, 2021

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, March 23, 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: Keith F. Marshall. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF GARVIS HUFF AWARDS

Alisha Vines, Office on Youth Director, presented Garvis Huff Awards to Christian "Taylor" Quaintance, Joshua Lyon (absent from the meeting), and Mary Catherina Corker.

The Board congratulated the Garvis Huff Award recipients.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Marshall being absent, 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)	\$ (1,000.00)	\$ (1,120.00)
43120001-46355	Police K-9 Supplies	6,500.00	1,000.00	7,500.00
TOTALS		\$ 6,380.00	\$ 0.00	\$ 6,380.00

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

As part of the Consent Agenda, the Board authorized staff to renew Cooperative Contract #4400009801 with Change Healthcare for an additional three (3) months, per the original contract terms, as presented.

RE: MINUTES

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

- March 9, 2021 Worksession
- March 9, 2021 Regular Meeting

RE: NEW BUSINESS

RE: RESOLUTION PLEDGING A MORAL OBLIGATION AND ADOPTING A SUPPORT AGREEMENT FOR BROADBAND AUTHORITY FINANCING

Glenda Bradley, Assistant County Administrator for Management Services, explained that staff had been working with members of the Broadband Authority and Davenport, the County's financial advisors, to develop a financing plan for continued capital construction and deployment of the broadband network throughout the County. She noted that after reviewing several financing options, the Broadband Authority had decided to participate in the Virginia Resources Authority's (VRA) spring financing pool.

Ms. Bradley provided a resolution to the Board for its consideration related to the issuance of the revenue bond by the Broadband Authority as part of the VRA financing pool. She indicated that proceeds from the financing would be available to the Broadband Authority as needed for any capitalized interest, working capital, reserves, issuance costs, or other ancillary costs. Ms. Bradley stated that the resolution provided a moral obligation and outlined the terms of a support agreement between the County and the Broadband Authority.

Ms. Bradley noted that, although Broadband Authority revenues were expected to be sufficient to pay the necessary debt service, the support agreement offered a non-binding moral obligation for the County to fund any annual deficiencies in the revenues of the Broadband Authority that would otherwise prevent the Authority from making its scheduled debt service payments. Additionally, while the Board was not empowered to make binding commitments for appropriations in future fiscal years, the support agreement declared its intent to make such appropriations in future fiscal years and recommended that future Boards of Supervisors do the same.

Discussion ensued among the Board regarding: whether the resolution and support agreement were required by the Virginia Resources Authority.

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

RESOLUTION APPROVING ORANGE COUNTY'S SUPPORT OF FINANCING BY THE
ORANGE COUNTY BROADBAND AUTHORITY

WHEREAS, the County of Orange, Virginia (the "County") is the member jurisdiction of the Orange County Broadband Authority (the "Authority") and created the Authority in accordance with the Virginia Wireless Service Authorities Act §15.2-5431.1 et seq. of the Code of Virginia of 1950, for the purpose of providing qualifying communications services as authorized by the Act and by Article 5.1 of Chapter 15 of Title 56 of the Code of Virginia of 1950; and

WHEREAS, the Board of Supervisors of Orange County (the "Board") has been informed that the Authority intends to issue a revenue bond (the "Bond") (i) to finance costs related to the expansion of OCBA's fiber network, transport electronics and fiber to the premise equipment and other capital projects of OCBA that may be approved by the Board from time to time and (ii) to finance, if and as needed, capitalized interest, working capital, reserves, costs of issuance and other ancillary costs (collectively, the "Project"); and

WHEREAS, the Authority has applied to the Virginia Resources Authority (the "VRA") for financing assistance in connection with the Project; and

WHEREAS, the VRA has required, as a condition of its purchase of the Bond, that the County enter into a Support Agreement to be executed and delivered to VRA by the County, whereby the County, subject to appropriation, would provide certain support to the Authority in regards to making payments on the Bond and as otherwise required by VRA;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of March, 2021, that the Orange County Board of Supervisors hereby approves the following:

1. Approval of Support Agreement. The Board of Supervisors has determined it is in the best interests of the County and its citizens for the County to enter into the Support Agreement to reflect that the non-binding obligations described in the above recitals will apply to the Local Bond and the Financing Agreement to reflect the issuance and sale of the Local Bond and the financing, operation and maintenance of the Project.
2. Form of Support Agreement. The Chairman of the Board or the County Administrator, either of whom may act, are each hereby authorized and directed to determine the form of the Support Agreement; provided the terms and conditions of the Support Agreement are not inconsistent with this Resolution, and to execute the Support Agreement on behalf of the County. The approval of the Support Agreement by the Chairman or the County Administrator (as applicable) shall be evidenced conclusively by the execution and delivery of the Support Agreement by the applicable officer.
3. Terms of the Support Agreement. The Support Agreement shall provide that the County Administrator shall make a request to the Board to appropriate to or on behalf of the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.
4. State Aid Intercept. The Board acknowledges that VRA considers the Support Agreement as a "local obligation" pursuant to Section 62.1-216.1 of the Virginia Code. In the event of the failure of the County to make a payment under the Support Agreement, VRA has the right, and is obligated to institute the "state-aid intercept" process set forth in Section 62.1 216.1 of the Code of Virginia of 1950 under which the Governor could cause the Comptroller to withhold all further payment to the County of funds appropriated and payable by the Commonwealth to the County until the unpaid sum is obtained. The funds so withheld would be directed to VRA to cure the nonpayment.
5. Support Agreement Not a Pledge or Obligation of the County. Nothing herein contained is or shall be deemed to be a pledge or a lending of the credit of the County to the Authority, VRA or to any holder of the Bond or to any other person or entity, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described or mentioned in the Support Agreement.
6. Further Actions. The Board hereby authorizes and directs the Chairman, the County Administrator and such officers and agents of the County as may be designated by either of them to take such further actions as they deem necessary regarding the Support Agreement. All such actions previously taken by such officers and agents are ratified and confirmed. The authorization granted in this Resolution to the Chairman and County Administrator may be carried out by the Vice Chairman (in the case of the Chairman), and any Assistant County Administrator (in the case of the County Administrator), or such other officer as any of the named officers may designate in writing.
7. Effective Date. This resolution shall take effect upon its adoption.

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

RE: AWARD OF THE CONTRACT FOR AUDIT SERVICES

Amanda Amos, Procurement Coordinator, explained that staff had released a solicitation on December 10, 2020, requesting proposals from firms of certified public accountants to audit financial statements for Orange County Public Schools, Orange County Department of Social Services, and Orange County Government, for the fiscal year ending June 30, 2021, and for each of the four (4) subsequent fiscal years. She noted that the solicitation was advertised on the County website, in the Orange County Review, and on eVA, and six (6) responses had been received.

Ms. Amos stated that, after reviewing the proposals, staff ranked the Offerors and conducted interviews with the top ranked firms. Overall, staff felt that PBMares offered professional, detailed, and prompt audit services.

Discussion ensued among the Board regarding: whether separate audits were conducted for the Economic Development Authority and the Broadband Authority.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 3-0-1, with Mr. Marshall being absent and Mr. White abstaining, the Board authorized staff to enter into a contract with PBMares for audit services for a one (1) year term, with the possibility of four (4) renewals, as presented.

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

RE: COURTHOUSE PORTRAIT COLLECTION

Supervisor Johnson explained that, as part of the plan to put the old Courthouse back in use, an extensive evaluation had been conducted of the Courthouse portraiture. He indicated that eight (8) additions and a change would be made to the collection. Mr. Johnson reviewed each of the portrait additions, noting the individual's significance to Orange County, and stated that Governor Spotswood's portrait would be replaced with a portrait of James Madison.

Collectively, the Board thanked Mr. Johnson for his important work in preserving the history of Orange County.

RE: OLD BUSINESS

RE: REZ 21-01 (HOP ON ENTERPRISES, LLC)

Sandra Thornton, Planning Services Manager, briefly reviewed the request for Rezoning from Hop On Enterprises, LLC, which had been opened for Public Hearing on March 9, 2021. She reviewed the history of the application with the Planning Commission, the Planning Commission's recommendation of approval, the voluntary proffers, and the list of recommended conditions.

Chairman Crozier closed the public hearing.

Discussion ensued among the Board regarding: the plan for regular business hours until 10:00 p.m.; and ABC regulations that required closing by midnight.

On the motion of Mr. Johnson, seconded by Mr. Frame, which carried by a roll call vote of 4-0, with Mr. Marshall being absent, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING REZ 21-01 TO REZONE APPROXIMATELY 6 ACRES FROM
GENERAL RESIDENTIAL (R-2) TO AGRICULTURAL (A), REQUESTED BY HOP ON
ENTERPRISES, LLC

WHEREAS, Hop On Enterprises, LLC (Patch Brewing Co.) has requested the rezoning of property at 12731 Gordon Avenue, Gordonsville, identified as Tax Map Nos. 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, totaling approximately 6 acres, 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, pursuant to Section 70-191 et seq and Section 70-302 of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and held a remote Public Hearing on the request on March 4, 2021; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; would impact the environment or any natural, scenic, or historic assets of the County; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the Comprehensive Plan and with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and opened a Public Hearing on the request on March 9, 2021, and closed said Public Hearing on March 23, 2021; and

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

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of March, 2021, that the Orange County Board of Supervisors hereby approves REZ 21-01 to rezone property at 12731 Gordon Avenue, Gordonsville, identified as Tax Map Nos. 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, totaling approximately 6 acres, 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, subject to the three (3) conditions and the proffers dated February 16, 2021, as set forth below, as presented.

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

Conditions for Approval

As adopted in Ord. No. 210323 - 6A
by the Orange County Board of Supervisors
on March 23, 2021

REZ 21-01: Hop On Enterprises, LLC

*To cultivate crops for a pick-your-own operation in addition to a
craft brewery, farm winery, and recreational space*

*Tax Map Nos. 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 conditions of this zoning map amendment (Rezoning) shall apply to the properties identified on County Tax Map Nos. 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, as well as any future division or consolidation of said properties, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the Rezoning or the information on the Rezoning plans or application are in conflict

with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the Rezoning, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated January 18, 2021, including the updated Concept Plan dated January 12, 2021.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits. The property owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to the business development and operation.
3. Uses – This Rezoning shall permit the development of a pick-your-own operation, craft brewery, farm winery, and recreational space, as generally shown on the concept plan and described in the application.

Summary of Proffers

As adopted in Ord. No. 210323 - 6A
by the Orange County Board of Supervisors
on March 23, 2021

REZ 21-01: Hop On Enterprises, LLC

*To cultivate crops for a pick-your-own operation in addition to a
craft brewery, farm winery, and recreational space*

*Tax Map Nos. 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 following uses, which are currently permitted uses in the Agricultural District as set forth in Sec.70-302 of the Zoning Ordinance, are prohibited:

- (i) The keeping of animals customarily raised on farms.
- (ii) Place of worship.
- (iii) Cemetery or graveyard.

The following uses, which are currently permitted uses by special use permit as set forth in Sec. 70-303 of the Zoning Ordinance, will not be allowed:

- (i) Agricultural equipment sales or service, or both.
- (ii) Airport.
- (iii) Bed and breakfast inn with a restaurant open to non-guests.
- (iv) Boarding kennel or commercial breeding kennel.
- (v) Camp, campground, or recreational vehicle park.
- (vi) Fairground.
- (vii) Elder care center, child day care center, or nursery school.
- (viii) Livestock auction or farmer’s market of greater than 4,000 square feet gross floor area.
- (ix) Manufactured home park.
- (x) Mine or quarry.

- (xi) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- (xii) Institutional use.
- (xiii) Public garage.
- (xiv) Public use such as school, park, library, or fire and rescue station.
- (xv) Retail store not exceeding 4,000 square feet gross floor area, including a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery.
- (xvi) Sanitary landfill.
- (xvii) Veterinary service, including animal hospital.
- (xviii) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- (xix) Public utility facility.
- (xx) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

RE: LITTER CONTROL EFFORTS

Supervisor Johnson expressed concern that the litter along the roadways throughout the County had gotten worse over the recent years. He recommended looking into ways to improve litter control efforts.

Discussion ensued among the Board regarding: investing into additional litter signage; investing in crews for roadside clean-up; the ability to use a workforce crew from Central Virginia Regional Jail for clean-up; availability of grant funding for vests and trash bags; the ability to increase the fine for littering; enforcement of the littering fine; and working with the local businesses on littering education.

By consensus, the Board requested that staff present the options for increasing the littering fine at a future meeting.

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

RE: PRESENTATION OF THE RECOMMENDED BUDGET FOR FISCAL YEAR 2022

Theodore L. Voorhees, County Administrator, presented a PowerPoint presentation highlighting the recommended Fiscal Year 2022 Budget. The presentation included information on the following: the Board's budget philosophy; key inclusions in the proposed budget; a review of the tax rates; a summary of the projected tax base; a comparison of the consolidated budget; revenue sources; expenditure categories; capital and debt funding comparisons; a summary of remaining General Fund Balance; and estimated American Rescue Plan Act funds.

The Board thanked Mr. Voorhees for the presentation.

RE: AUTHORIZATION OF BUDGET AND TAX RATE ADS

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a roll call vote of 4-0, with Mr. Marshall being absent, the Board authorized staff to proceed with advertising the proposed FY22 Budget and supporting tax rates for public hearing, as presented.

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

RE: BOARD COMMENT

Supervisor Frame commented on the Marcus Alert System for mental health and substance abuse awareness.

Supervisor Johnson expressed a desire to discuss the requirements for second (accessory) dwellings, as outlined in the Zoning Ordinance.

Supervisor White indicated the need to discuss recycling efforts at an upcoming worksession.

Chairman Crozier complimented Fire and EMS staff and the County's various partners for the recent COVID-19 vaccine clinics that were conducted. He also thanked Administration staff for the work in updating the County's website to include minutes from various boards, commissions, and committees in an effort to be more transparent. Lastly, Chairman Crozier commented on Special Use Permits for solar farms.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Library Semi-Annual Report
- VDOT Monthly Report for March
- Culpeper Soil and Water Conservation District Minutes; February 2, 2021

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board re-appointed Nancy Richardson as the District One Representative on the Social Services Advisory Board for a four-year term, with said term commencing July 1, 2021 and expiring on June 30, 2025.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board appointed Robert Fuqua as an At-Large (Orange County) Representative on the Rappahannock-Rapidan Community Services Board, filling the unexpired three-year term of David Francis, with said term commencing immediately and expiring on December 31, 2022.

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

RE: CALENDAR

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

RE: CLOSED MEETING

At 6:17 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 concerning a prospective business or industry, or the expansion of an existing business or industry, where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - §2.2-3711(A)(5) 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. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(5), (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 aforestated matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:23 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. Absent: Marshall.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board adjourned the meeting at 7:23 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Marshall.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator