

BOARD OF SUPERVISORS MINUTES

APRIL 14, 2020

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, April 14, 2020, beginning at 5:00 p.m., and held electronically via Zoom video conference. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; S. Teel Goodwin; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: PARTICIPATION VIA ELECTRONIC MEANS

Pursuant to the emergency ordinance adopted on March 24, 2020, this meeting was held electronically via Zoom video conference and livestreamed to YouTube for the public to view. As such, the minutes are required to reflect the physical location of each Board member during their participation.

Chairman Crozier participated from his second residence, located at 33 Pier Pointe, New Bern, North Carolina.

Vice Chairman Johnson participated from his residence, located at 13451 Albano Road, Barboursville, Virginia.

Supervisor White participated from his residence, located at 22373 Berry Run Road, Orange, Virginia.

Supervisor Goodwin participated from his residence, located at 11464 Rapidan Road, Orange, Virginia.

Supervisor Frame participated from his residence, located at 103 Woodland Trail, Locust Grove, Virginia.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations or Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY20 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
30045010-35825	ICAC Program Proceeds	\$ 0.00	\$ (5,000.00)	\$ (5,000.00)
43120010-46800	Int. Crimes Against Children	0.00	5,000.00	5,000.00
30030006-33500	Donations - Animal Shelter	(16,965.22)	(755.00)	(17,720.22)

43520003-43115	Prof. Serv. - Emergency Vet	132,053.22	755.00	132,808.22
30026501-32400	Orange Library - Lost Books	(147.00)	(34.00)	(181.00)
30026501-32475	Wild. Library - Lost Books	0.00	(176.00)	(176.00)
30026501-32525	G'ville Library - Lost Books	(146.00)	(155.00)	(301.00)
47310001-46466	Books - Refunds	147.00	34.00	181.00
47311001-46466	Books - Refunds	0.00	176.00	176.00
47312001-46466	Books - Refunds	146.00	155.00	301.00
30052010-39900	Appropriated Fund Balance	(1,874,483.00)	(18,500.00)	(1,892,983.00)
44270001-43200	Contract Serv. - Other	15,000.00	18,500.00	33,500.00
TOTALS		\$ (1,744,395.00)	\$ 0.00	\$ (1,744,395.00)

RE: PROCLAMATION FOR NATIONAL CHILD ABUSE PREVENTION MONTH

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

A PROCLAMATION TO DECLARE THE MONTH OF APRIL AS
CHILD ABUSE PREVENTION MONTH

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of April as Child Abuse Prevention Month in Orange County, Virginia.

WHEREAS, regardless of who they are or the circumstances of their birth, all children have the right to safe, secure, and supportive environments, free from abuse and neglect.

WHEREAS, April is National Child Abuse Prevention Month; and

WHEREAS, during Prevention Month, Virginians are reminded of the courage it takes to raise a child and that all parents have the right to the support and knowledge which child rearing demands; and

WHEREAS, child abuse is one of our nation's most serious public health problems, with scientific studies documenting the link between child abuse and neglect and a wide range of medical, emotional, psychological, and behavioral disorders; and

WHEREAS, child abuse can disrupt early brain development, and serious chronic stress can impair the development of nervous and immune systems; and

WHEREAS, children are the foundation of a sustainable and prosperous society, and our prosperity as a state and nation is built on a foundation of healthy child development; and

WHEREAS, child abuse prevention creates a more compassionate society, one which places a high value on the welfare of children; and

WHEREAS, creating communities where families can access an array of support and resources to address the social, emotional and physical health of their children is the best way to combat child abuse; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, displaying a pinwheel during the month of April will serve as a positive reminder that together, we can prevent child abuse and neglect, and by doing so, keep children safe;

NOW, THEREFORE, BE IT PROCLAIMED, on this 14th day of April, 2020, that the Orange County Board of Supervisors hereby recognizes April, 2020, as Child Abuse Prevention Month in Orange County, and calls this observance to the attention of all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the community in which we live.

RE: SURPLUS DISPOSITION OF COUNTY VEHICLES

As part of the Consent Agenda, the Board declared a 2012 Dodge Charger (VIN# 4719), a 2012 Dodge Charger (VIN#4716), and a 2014 Dodge Charger (VIN#7962), as surplus and authorized the County Administrator to initiate disposal in accordance with the Board-adopted Surplus Disposition Policy, as presented.

RE: SURPLUS DECLARATION OF ORANGE COUNTY FIRE AND EMS' SELF-CONTAINED BREATHING APPARATUS (SCBA)

As part of the Consent Agenda, the Board authorized staff to initiate disposal and donation of surplus self-contained breathing apparatus (SCBA) equipment to the Renan Volunteer Fire Department in accordance with the Board-adopted Surplus Disposition Policy, as presented.

RE: RENEWAL OF THE CONTRACT WITH CONCISE SYSTEMS, LLC FOR THE COMPUTER ASSISTED MASS APPRAISAL (CAMA) PROGRAM

As part of the Consent Agenda, the Board authorized staff to renew the contract with Concise Systems, LLC for the Computer Assisted Mass Appraisal (CAMA) program for a period of one (1) year, representing the second of four (4) possible renewals, as presented.

RE: MINUTES

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

- March 10, 2020 Worksession
- March 10, 2020 Regular Meeting
- March 17, 2020 Special Meeting
- March 24, 2020 Special Meeting
- April 2, 2020 Special Meeting

RE: NEW BUSINESS

RE: RESOLUTION TO RATIFY DECLARATION OF THE LOCAL STATE OF EMERGENCY

Theodore Voorhees, County Administrator, explained that, in anticipation of the impacts of the imminent spread of the COVID-19 (Coronavirus), a Local State of Emergency had been declared on Monday, March 16, 2020. He added that, pursuant to the Code of Virginia, the Board was required to ratify the declaration of the Local State of Emergency.

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

RESOLUTION TO RATIFY DECLARATION OF A LOCAL STATE OF EMERGENCY
ON MARCH 16, 2020 FOR THE COVID-19 PANDEMIC

WHEREAS, in early March, 2020, Orange County officials anticipated potential impacts from the imminent spread of the COVID-19 (Coronavirus); and

WHEREAS, the Interim County Administrator and Fire and EMS Chief recommended that a Local State of Emergency be declared; and

WHEREAS, on Monday, March 16, 2020, pursuant to §44-146.21 VA Code Ann., the Chairman of the Board of Supervisors, as the Local Director of Emergency Management, delegated authority to the County Administrator to declare a Local State of Emergency in the County because it seemed apparent that the impacts of the COVID-19 pandemic could result in damages or illnesses to the population of Orange County, and in order to activate the local Emergency Operations Plan to immediately address this emergency;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of April, 2020, that the Orange County Board of Supervisors hereby ratifies the declaration of a Local State of Emergency beginning at 5:00 p.m. on Monday, March 16, 2020, pursuant to §44-146.21 VA Code Ann.; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes application to the State and/or Federal governments for reimbursement of qualifying expenditures made by qualifying entities during the Local State of Emergency.

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

RE: ADOPTION OF PERSONNEL POLICY 8.4; SPECIAL PROVISIONS FOR LOCAL EMERGENCY DECLARATIONS

Theodore Voorhees, County Administrator, indicated the Interim County Administrator had previously drafted Personnel Policy 8.4 (Special Provisions for Local Emergency Declarations) in order to take action to prepare for and react to situations that may arise during the COVID-19 Pandemic. He noted the policy was developed with input from appropriate staff in order to outline the variety of actions the County Administrator may need to take during any declared local emergency. Mr. Voorhees stated the Interim County Administrator had enacted the policy effective March 18, 2020, with the understanding the Board would need to ratify her action and formally adopt the policy at a later date.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board ratified the action taken by the Interim County Administrator on March 18, 2020, and adopted Personnel Policy 8.4 (Special Provisions for Local Emergency Declarations), as presented.

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

RE: AWARD OF THE CONTRACT FOR SERVERS

Amanda Amos, Procurement Coordinator, explained that staff desired to execute a contract with CAS Severn for Nutanix Servers for the IT Department. She indicated this would be accomplished through a Cooperative Contract (#4400006324) with Fairfax County, which was valid through December 4, 2020. Ms. Amos noted that funding was available in the CIP for the County Server Replacement project.

Discussion ensued among the Board regarding: whether servers were being replaced or additional servers were being purchased; whether the project would be complete before the contract end date; and confirmation that no service would be required beyond the initial purchase.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to execute a contract with CAS Severn, effective through December 4, 2020, per the original Fairfax County, Virginia contract terms, as presented.

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

RE: AVIGATION EASEMENT ACQUISITION

Kurt Hildebrand, Assistant County Administrator for Operations, stated that staff continued to work with its consultants to pursue avigation easement acquisition over the targeted parcels shown to hold obstructions into the Runway 26 approach surfaces at the Orange County Airport. As such, he presented Purchase Agreement and Deed of Easement documents related to the acquisition for five (5) parcels, all of which were owned by Ted and Hollia Blevins.

Mr. Hildebrand explained that the total appraised value for the avigation easements over the five parcels was \$24,800. However, after a lengthy negotiation process, Mr. Blevins made a final counteroffer of \$33,500, which required a request for administrative settlement with the Federal Aviation Administration (FAA). Mr. Hildebrand indicated the FAA had approved the administrative settlement. Additionally, the County Attorney had reviewed and approved the Purchase Agreement and Deed of Easement documents, and staff was seeking approval at this time. Mr. Hildebrand announced that the total cost of the acquisition would be eligible for 100% reimbursement in a future FAA and Department of Aviation grant application.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized the execution of Purchase Agreements and Deeds of Easement for acquisition of avigation easements above parcels 31A-1, 31A-2, 31A-3, 31A-4A, and 30-29, as presented.

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

RE: OLD BUSINESS

RE: JUVENILE & DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL; NEXT STEPS

Stephanie Straub, Director of Management Services, explained that the Board had previously adopted a resolution to establish a Juvenile and Domestic Relations Court Citizens Advisory Council. After providing the resolution to Judge Morris, he responded with a list of potential member organizations and a draft invitation to participate letter. Ms. Straub indicated that she was seeking approval to reach out to the organizations the Board felt were most appropriate to serve in the five (5) positions allotted to the Board of Supervisors.

By consensus, the Board authorized staff to proceed with recruiting member organizations for the Juvenile and Domestic Relations Court Citizens Advisory Council, as presented.

RE: RATIFICATION OF ADOPTION OF CONTINUITY OF OPERATIONS PLAN (COOP)

Theodore Voorhees, County Administrator, indicated that a Continuity of Operations Plan (COOP) had been previously prepared by the County in order to develop, implement, and maintain a viable continuity capability. However, when developed several years ago, the Plan was never adopted by the Board of Supervisors.

In light of the COVID-19 Pandemic, staff updated the Plan and the Interim County Administrator adopted the Plan on an emergency basis. Mr. Voorhees explained that her action needed to be ratified and staff was seeking adoption of the Plan by the Board at this time.

Mr. Voorhees highlighted that the full version of the Continuity of Operations Plan was intended to be distributed internally to appropriate personnel within Orange County and to external organizations that could be affected by its implementation. However, some of the information in the Plan, if made public, could endanger the lives and privacy of employees or could compromise the security of essential equipment, services, and systems.

Discussion ensued among the Board regarding: the ability to redact sensitive information as to not keep the entire Plan concealed from the public.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board ratified the Interim County Administrator's emergency adoption of the Continuity of Operations Plan (COOP) and formally adopted the Continuity of Operations Plan, as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: PROPOSED DOG PARK AT BOOSTER PARK

Tim Moubray, Parks and Recreation Director, requested permission to use an area of Booster Park to install a dog park. He explained that Parks and Recreation and the Town of Orange had conducted recreational interest surveys and a dog park was among the most popular response.

Mr. Moubray indicated that the location of the dog park would be in the northeast corner of the park in an area that was not used. It would consist of separate areas for large and small dogs, with two areas for each, in order to allow for resting and to alleviate overuse. Lastly, Mr. Moubray noted the project would be funded by the Parks and Recreation Foundation through donations and fundraisers and would require no local funds.

Discussion ensued among the Board regarding: whether or not the identified location was useful for sports; the need to clear the County from any potential liability; and the fact that this seemed like an ideal use for Booster Park.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized Parks and Recreation to install a dog park in the northeast corner of Booster Park, as presented.

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

RE: COUNTY ATTORNEY'S REPORT

Thomas Lacheney, County Attorney, explained that he had received an update from the attorney for the Orange Volunteer Rescue Squad, and the dissolution had been filed and the process of transferring the remaining monies to the scholarship fund had been initiated.

RE: COUNTY ADMINISTRATOR'S REPORT

Theodore Voorhees, County Administrator, stated that he was working to introduce himself throughout the County and was getting acclimated to the Orange County team.

RE: BOARD COMMENT

Collectively, the Board welcomed Mr. Voorhees to the County, thanked staff for their continued work, and extended their appreciation to Brenda Garton for serving as Interim County Administrator.

Supervisor White commented that staff and the Budget Subcommittee continued its work with Davenport related to the financing of the identified CIP projects for Fiscal Year 2021.

Supervisor Goodwin thanked the citizens of the County for doing their part in following the various orders from the Governor, including the stay-at-home order and wearing masks in public.

Supervisor Frame thanked the community for the outpouring of support receiving during the Pandemic. Additionally, he requested updates on the amendment to the Subdivision Ordinance regarding easements for fiber and the Healthy Watersheds initiative.

Chairman Crozier thanked the local businesses and restaurants for continuing to provide products and services to the community on an appropriate basis.

By consensus, the Board extended the deadline to file an appeal to the Board of Equalization from April 30, 2020, to May 15, 2020, as presented.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Library Semi-Annual Report
- Parks and Recreation Quarterly Report
- February 4, 2020 Culpeper Soil and Water Conservation District Minutes
- December 19, 2019 Rapidan Service Authority Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Lee Frame as an At-Large Representative on the Rapidan Service Authority (RSA) for a four-year term, with said term commencing June 25, 2020, and expiring on June 24, 2024.

By consensus, the Board re-appointed Christine Kastan as the District 1 Representative on the Library Board of Trustees for a four-year term, with said term commencing July 1, 2020, and expiring on June 30, 2024.

By consensus, the Board re-appointed Shirley Irving as the District 1 Representative on the Youth Commission for a four-year term, with said term commencing immediately, and expiring on September 30, 2023.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of April 2020, May 2020, and June 2020.

RE: RECESS

The Board recessed its meeting at 5:50 p.m.

RE: RECONVENE

The Board reconvened its meeting at 7:00 p.m.

RE: PUBLIC HEARING #1; ADOPTION OF ORDINANCE FOR CONTINUITY OF GOVERNMENT OPERATIONS

Thomas Lacheney, County Attorney, explained that the Board had previously adopted an emergency ordinance to establish a set of guidelines that would allow for the continuity of government operations during the COVID-19 Pandemic, while still complying with Federal and State regulations. As this was an emergency ordinance, without the benefit of advertisement and opportunity for public comment, the Board was required to ratify adoption of said emergency ordinance at its next meeting.

Additionally, Mr. Lacheney indicated that the Board was required to advertise for and hold a public hearing to adopt the ordinance outside of the emergency provision. He added that staff had advertised for the public hearing to take place on April 14, 2020, and he provided a copy of the recommended ordinance to the Board.

At 7:04 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

ADOPTION OF ORDINANCE FOR CONTINUITY OF GOVERNMENT OPERATIONS

On March 24, 2020, the Orange County Board of Supervisors adopted an Emergency Ordinance to address the Continuity of Operations of County government during the COVID-19 pandemic. The Board will hold a public hearing on said ordinance and vote to ratify the emergency adoption of the ordinance, as well as consider an amendment to the ordinance, as appropriate. Pursuant to Virginia Code §15.2-1413, as well as pursuant to State and Federal executive orders, the Continuity of Operations Ordinance allows for the Board of Supervisors, and other boards, committees, commissions, and authorities, to meet remotely and to remotely allow citizen participation. The amended ordinance also suspends certain deadlines to which the public entity may be subject during the pandemic.

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 to Attn: Alyson Simpson, P. O. Box 111, Orange, Virginia 22960 or by email to asimpson@orangecountyva.gov and must be received by 5:00 p.m. on Monday, April 27, 2020. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, April 28, 2020, after reviewing any written comments received. All written comments will be read during the meeting on April 28, 2020, and entered into the meeting minutes.

Staff was instructed to add this matter to the Regular Meeting on April 28, 2020.

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adjourned the meeting at 7:06 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator