

BOARD OF SUPERVISORS MINUTES

August 11, 2020

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, August 11, 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 Susan Turner, Deputy Clerk.

*Mr. Goodwin joined at 5:07 p.m.

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 the Orange County Airport, located at 11275 Aviation Way, Orange, Virginia.

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations or Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. Goodwin 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
30030002 33625	Donations-Triad Project Lifesaver	(360.00)	(1,050.00)	(1,410.00)
43177003 46800	Expenses	-	1,050.00	1,050.00
30046002 37025	Federal Airport Grants	-	(1,225,000.00)	(1,225,000.00)

			Appropriated Fund			
30052009	39900		Balance	(105,000.00)	334,700.00	229,700.00
49420001	48120	A1030	RW 26 Obstr Rem-Design	-	370,300.00	370,300.00
49420001	48100	A1029	RW 26 Obstr. Removal	105,000.00	520,000.00	625,000.00
TOTAL				(360.00)	-	(360.00)

RE: FY21 REQUEST FOR SUPPLEMENTAL APPROPRIATIONS FROM 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, representing an increase of \$614,403.24 in the School Operating Fund for the response to COVID-19, comprised of additional Federal funds allocated to the School Division, as presented.

RE: RENEWAL OF THE CONTRACT FOR LANDFILL OPERATIONS

As part of the Consent Agenda, the Board authorized staff to renew the contract with R.M. Soderquist for landfill operations, for one (1) year, effective September 1, 2020 through August 31, 2021, as presented.

RE: MINUTES

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

- July 18, 2020 Retreat
- July 28, 2020 Regular Meeting

RE: NEW BUSINESS

RE: PROPOSED AMENDMENTS TO CONTINUITY OF OPERATIONS ORDINANCE

Thomas Lacheney, County Attorney, noted that the intended language within the Continuity of Operations Ordinance was not reflected accurately when it was adopted on April 23, 2020. He explained that, in section 2e of the ordinance, the word "may," should be changed to "shall," and requested the ordinance be updated by staff.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Goodwin being absent, the Board authorized staff to correct a clerical error within item 2e of the Continuity of Operations Ordinance, adopted April 28, 2020, to reflect the intended word of "may," instead of "shall," as presented.

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

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

The County Administrator commented on the correction to be made to the Continuity of Operations Ordinance; and thanked staff for the condolences conveyed for the passing of his mother-in-law.

RE: BOARD COMMENT

Supervisor White requested that a resolution be drafted in recognition of the 150th anniversary of Little Zion Baptist Church, to provide thanks for their contribution to the community.

By consensus, the Board authorized staff to draft a resolution in recognition of the 150th anniversary of the Little Zion Baptist Church, as presented.

Supervisor Goodwin noted that he was still doing well and provided thanks for the concern.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- May 21, 2020 Rapidan Service Authority Minutes
- May 18, 2020 Health Center Commission Minutes
- July 22, 2020 Health Center Commission Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

Discussion ensued among the Board regarding potential avenues for advertising to recruit volunteers.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of August 2020, September 2020, and October 2020.

RE: CLOSED MEETING

At 5:16 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 with respect to S-Power. - §2.2-3711(A)(7) of the Code of Virginia
- Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning RSA and Gun Rights. - §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 aforesaid matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 6:00 p.m., Ms. Turner 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 Board of Supervisors of Orange County 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, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC HEARING: #1: PROPOSED SALE OF THE PROPERTY LOCATED AT 27531 CONSTITUTION HIGHWAY, RHOADESVILLE, VA

Theodore L. Voorhees, County Administrator, explained that the County received an unsolicited request from Mr. Edward Makely, for the sale of County-owned property located at 27531 Constitution Highway, Rhoadesville, VA and identified as TM34-10D, PC K-260 and recorded in Deed Book 090007406 as parcel ID 034000000010D. He indicated the proposed sale price was \$33,120.

At 6:07 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED SALE OF THE PROPERTY LOCATED AT 27531 CONSTITUTION HIGHWAY, RHOADESVILLE, VA

Pursuant to Virginia Code § 15.2-1800, the Board of Supervisors will consider the adoption of a resolution whereby it will sell 4.287 acres of property located at 27531 Constitution Highway in Rhoadesville, VA, and identified as TM34-10D, PC K-260 as recorded in Deed Book 090007406, and as parcel ID 034000000010D, for \$33,120.00 to Edward Makely, an interested offeror, and will declare the property to be surplus property.

There being no comments received, Chairman Crozier closed the Public Hearing at 6:07 p.m.

Discussion ensued among the Board regarding: changes to the advertising process and method of receiving public comments; the nature of the offer; review of a prior offer received; desire to not surplus the property; and need to determine market value.

Supervisor Frame made a motion to leave the hearing open and defer action until the next meeting however, the motion was later withdrawn.

The Board took no action on this item.

RE: RESPONSE TO GREENE COUNTY REGARDING WITHDRAWAL FROM RSA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a roll call vote of 5-0, the Board agreed to not support the request of Greene County to withdraw from the Rapidan Service Authority (RSA), as presented.

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

RE: ADJOURN

On the motion of Mr. White, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adjourned the meeting at 6:14 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator