

BOARD OF SUPERVISORS MINUTES**JUNE 22, 2021**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, June 22, 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. 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 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: BROADBAND PROGRAM MANAGER REPORT**

S. Lewis Foster, Broadband Program Manager, gave an update to the Board, which included information on the following: the overall goal of the Broadband Authority to provide universal broadband coverage throughout the County; two (2) upcoming grant opportunities; an update on subscriber counts and the take rate; and an inventory of roads ready for service.

The Board thanked Mr. Foster for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. White, 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
30026501-32400	Orange Library - Lost Books	\$ (193.00)	\$ (180.00)	\$ (373.00)
30026501-32475	Wilderness Lib. - Lost Books	(205.00)	(121.00)	(326.00)
47310001-46466	Books - Refunds - Orange	193.00	180.00	373.00
47311001-46466	Books - Ref. - Wilderness	205.00	121.00	326.00
30046008-37204	Cat Aid - Fed - FAA - Airport	(30,000.00)	(13,000.00)	(43,000.00)
49310015-47504	Transfer to Airport Fund	30,000.00	13,000.00	43,000.00
TOTALS		\$ 0.00	\$ 0.00	\$ 0.00

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 EMS Billing and Collection Services for a period of twelve (12) months, per the original contract terms, as presented.

RE: RESOLUTION TO DECLARE THE CLOSING OF THE LOCAL STATE OF EMERGENCY
As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION TO DECLARE THE CLOSING OF THE LOCAL STATE OF EMERGENCY
ON JUNE 30, 2021 FOR THE COVID-19 PANDEMIC

WHEREAS, in early March, 2020, Orange County officials anticipated potential impacts from the imminent spread of COVID-19; 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 Interim County Administrator to declare a Local State of Emergency in the County; and

WHEREAS, by way of Resolution No. 200414-5A, the Board of Supervisors ratified declaration of the Local State of Emergency on April 14, 2020;

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2021, that the Orange County Board of Supervisors hereby declares the closing of said Local State of Emergency in Orange County as of 5:00 p.m. on Wednesday, June 30, 2021, in response to the declining cases of COVID-19.

RE: RESOLUTION TO RESOLVE AND RECLASSIFY THE LINE OF CREDIT EXTENDED TO THE BROADBAND AUTHORITY
As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION TO RESOLVE AND RECLASSIFY THE LINE OF CREDIT
EXTENDED TO THE ORANGE COUNTY BROADBAND AUTHORITY

WHEREAS, on January 27, 2021, the Board of Supervisors ("Board") and the Orange County Broadband Authority ("Authority") entered into an agreement in which the Board extended to the Authority a line of credit of \$2,000,000 (two million dollars) (the "Line of Credit") to finance the installation and maintenance of broadband infrastructure throughout Orange County, and for other purposes consistent with the Virginia Wireless Services Authorities Act (Va. Code §15.2-5431.1 et seq.) that benefit Orange County and its citizens; and

WHEREAS, Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband when such projects were planned or started prior to March 3, 2021; and

WHEREAS, the funds expended by the Broadband Authority were consistent with the above-described purposes under the American Rescue Plan Act (ARPA);

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of June, 2021, that the Orange County Board of Supervisors hereby resolves the balance of the Line of Credit (\$2,000,000) and forgives any accrued interest on the Line of Credit as of July 1, 2021, by reclassifying the receivable balance (\$2,000,000) as a contribution from ARPA proceeds that were appropriated as part of the Fiscal Year 2022 Adopted Budget, representing a reimbursement for broadband construction expenses incurred after March 3, 2021.

RE: ADOPTION OF THE JUNE 8, 2021 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the June 8, 2021 Worksession minutes, as presented.

RE: ADOPTION OF THE JUNE 8, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the June 8, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: RENEWAL OF THE AGREEMENT WITH GOODWILL INDUSTRIES OF THE VALLEY, INC. FOR THE ORANGE WORKFORCE CENTER

Amanda Amos, Procurement Coordinator, explained that the agreement with Goodwill to operate the Orange Workforce Center would expire on June 30, 2021. She provided updated usage statistics and requested the Board's consideration to renew the agreement.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to renew the Memorandum of Understanding with Goodwill Industries of the Valley, Inc. for the office space for the Orange Workforce Center located in the basement of the Belleview Building for a period of one (1) year, as presented.

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

RE: AWARD OF CONTRACTS FOR AIRPORT ENGINEERING AND CONSULTING SERVICES

Amanda Amos, Procurement Coordinator, explained that staff had released a solicitation requesting proposals from qualified firms to establish a contract, through competitive negotiations, to provide airport planning, professional engineering advice, and services related to the Orange County Airport. Staff advertised the solicitation on the County website, in The Orange Review, and on eVA, and seven (7) responses were received.

Ms. Amos stated that staff ranked the offerors and conducted interviews with the top ranked firms. Overall, staff recommended that contracts be awarded to Delta Airport Consultants, Inc. and Talbert & Bright for one (1) year with the possibility of four (4) renewals.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to enter into contracts with Delta Airport Consultants, Inc. and Talbert & Bright for Airport Engineering and Consulting Services for one (1) year with the possibility of four (4) renewals, as presented.

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

RE: AWARD OF CONTRACTS FOR ENVIRONMENTAL ENGINEERING SERVICES

Amanda Amos, Procurement Coordinator, explained that staff had released a solicitation requesting proposals from qualified firms to establish a contract, through competitive negotiations, to provide professional environmental engineering services to Orange County. Staff advertised the solicitation on the County website, in The Orange Review, and on eVA, and six (6) responses were received.

Ms. Amos stated that staff ranked the offerors and conducted interviews with the top ranked firms. Overall, staff recommended that contracts be awarded to LaBella Associates and Draper Aden Associates for one (1) year with the possibility of four (4) renewals.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized staff to enter into contracts with LaBella Associates and Draper Aden Associates for Environmental Engineering Services for one (1) year with the possibility of four (4) renewals, as presented.

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

RE: UTILIZATION OF COOPERATIVE CONTRACT WITH MCCi FOR THE IMPLEMENTATION OF LASERFICHE

Amanda Amos, Procurement Coordinator, explained that staff would like to execute a contract with MCCi for the implementation of Laserfiche for the Department of Social Services utilizing the National Cooperative Purchasing Alliance (NCPA) Cooperative Contract #11-26. She noted that Laserfiche would help manage past and future records safely and securely. The Virginia Department of Social Services (VDSS) currently provided a document management system for some benefits assistance documents and had a separate system that managed a portion of family services cases. However, both systems had limitations and were not viable options for handling existing and future records.

Ms. Amos stated that the Department of Social Services had determined that the best option would be to move forward with implementing Laserfiche to serve all document management needs. She added that the total cost was \$130,621.12. Ms. Amos noted that funding for the implementation was available in the CARES Act Computer Software fund and that reoccurring annual fees would be allocated and paid from the Social Service's Data Processing fund.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized staff to enter into an agreement with MCCi for the purchase and implementation of Laserfiche for the Department of Social Services utilizing the NCPA Cooperative Contract #11-26, understanding that funding would be provided through CARES Act Computer Software and Social Services' Data Processing, as presented.

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

RE: HEALTH, DENTAL, AND OPTIONAL INSURANCE RENEWALS

Jenny Carpenter, Human Resources Director, reviewed the options and considerations for the renewal of the various insurances and benefits for the upcoming plan year, highlighting renewal rates, claim activity, and changes to reduce dependent tier plan premiums. She introduced Heath Thomas, representative from Mark III, who provided additional information.

Mr. Thomas presented a PowerPoint presentation, which included information on the following: claims trends; stop loss protection; high claimants; causes of high claimants; and changes to plan structures.

Glenda Bradley, Assistant County Administrator for Management Services, reviewed pertinent financial components, including the Health Insurance Fund balance, factors contributing to the decrease in the balance, and the potential use of American Rescue Plan Act (ARPA) proceeds or General Fund balance to add to the Health Insurance Fund balance.

Discussion ensued among the Board regarding: the population breakdown of plan selections; pharmacy spending versus medical spending; stop loss coverage; an analysis of the self-insurance performance; and the "image" created by using General Fund balance.

On the motion of Mr. White, seconded by Mr. Frame, which carried by a vote of 5-0, the Board agreed to renew the various insurances and benefits for the Plan Year beginning October 1, 2021, by accepting the recommendations, as presented.

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

RE: ADOPTION OF THE CORE NETWORK AGREEMENT WITH THE BROADBAND AUTHORITY

Thomas Lacheney, County Attorney, explained that the Orange County Board of Supervisors previously assigned 33 miles of its core network to the Broadband Authority in 2019. However, as the core network had continued to expand, the expansion of the core network had not yet been assigned. He provided an agreement for the Board's consideration, which would transfer the entire core network to the Broadband Authority, with the exception of the portions of the network that served the Orange County Public Schools and the Public Safety Building. Mr. Lacheney indicated the agreement had already been approved by the Broadband Authority and now required approval by the Board of Supervisors.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized the Core Network Agreement to be executed by the Chairman of the Board, as presented.

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

RE: ADOPTION OF A MEMORANDUM OF UNDERSTANDING WITH THE BROADBAND AUTHORITY FOR VIRGINIA RETIREMENT SYSTEM (VRS) FUNDS

This item was struck from the agenda.

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

RE: PROPOSED AMENDMENT TO ANIMALS AT-LARGE ORDINANCE

Thomas Lacheney, County Attorney, indicated that Chief Deputy Major Mike LaCasse had requested an amendment to the Animals At-Large ordinance as the General District Court Judge would not convict violators in its current state. He stated that he had drafted amended language for the Board's discussion.

Discussion ensued among the Board regarding: the determination and interpretation by the Judge; and further discussions that needed to take place.

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board deferred action on the matter indefinitely.

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

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Supervisor Frame commented on the initiative to increase the limit allowed on Federal Housing Administration (FHA) and Veterans Affairs (VA) residential loans in the County.

Supervisor White commented on the valuable discussion that took place at the recent informational meeting hosted by the Orange County Farm Bureau.

Supervisor Marshall remarked about the successful truck and tractor pull that was recently held at the Orange County Fairgrounds.

Chairman Crozier shared his recent experience at a vehicle crash that involved the Sheriff's Office and VDOT providing assistance. He requested that staff arrange to present Lifesaving Awards at an upcoming meeting.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report for June
- Health Center Commission Minutes; April 2, 2021
- Culpeper Soil and Water Conservation District Minutes; May 4, 2021

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of June 2021, July 2021, and August 2021.

RE: PUBLIC HEARING #1; PROPOSED ORDINANCE TO ESTABLISH FINES FOR LITTERING

Thomas Lacheney, County Attorney, explained that the Board had previously initiated action on an ordinance to establish fines for littering in the County. He indicated that the proposed language was basically from State Code and allowed for a misdemeanor punishable by confinement in jail for no more than 12 months and a fine of not less than \$1,000 or more than \$2,500. Mr. Lacheney also explained that defendants could be ordered to perform community service in litter abatement activities.

Discussion ensued among the Board regarding: communities that were using cameras to catch violators; and enforcement of the ordinance.

At 6:24 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED ORDINANCE TO ESTABLISH FINES FOR LITTERING

The Board of Supervisors will consider the adoption of an ordinance to establish fines for littering in Orange County. Pursuant to Section 33.2-802 of the Code of Virginia, the proposed ordinance would establish a misdemeanor offense punishable by confinement in jail for not more than 12 months and a fine of not less than \$1,000 or more than \$2,500, either or both, if convicted of littering on a public highway.

The following individual spoke:

- Kathy Thorpe, 22140 Monrovia Road, Orange

There being no further speakers, Chairman Crozier closed the Public Hearing at 6:27 p.m.

Ms. Simpson noted that written comments had also been received from twelve (12) citizens.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE III (LITTER), SECTION 50 (SOLID WASTE),
OF THE ORANGE COUNTY CODE OF ORDINANCES
CONCERNING THE ESTABLISHING OF FINES FOR LITTERING

WHEREAS, the Board of Supervisors previously initiated action on amendments to Article III (Litter), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning the establishing of fines for littering; and

WHEREAS, the County Attorney drafted recommended language for the amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on June 22, 2021, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of June, 2021, that the Orange County Board of Supervisors hereby approves the amendments to Article III (Litter), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning the establishing of fines for littering, as presented and shown below.

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

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 210622 – PH1
by the Orange County Board of Supervisors
on June 22, 2021**

All text below to be added as new text:

Chapter 50 - Solid Waste

Article III - Litter

Sec. 50-80. - Dumping trash, garbage, or refuse.

- (a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- (b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Virginia Code §46.2-936 in making such arrest. When a violation of this section has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, or private property, has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.
- (c) Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable by

confinement in jail for not more than 12 months and a fine of not less than \$1,000 or more than \$2,500, either or both.

- (d) In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

RE: PUBLIC COMMENT

At 6:29 p.m., Chairman Crozier opened the floor for public comment.

The following individuals spoke:

- Jisun Bae, Resident of Fairfax, Virginia
- Tiny Tang, Resident of Fairfax, Virginia
- Debbie Kerley, Resident of Orange

There being no further speakers, public comment was closed at 6:38 p.m.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adjourned the meeting at 6:39 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator