At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, September 14, 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: REMOTE PARTICIPATION

Pursuant to the Board of Supervisors' Bylaws, Chairman Crozier 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 Chairman Crozier participated from his second residence, located at 33 Pier Pointe, New Bern, North Carolina, for the duration of the meeting.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. White, 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: LIFESAVING AWARDS

Supervisor Frame presented Lifesaving Awards to Deputy Randy Amos and Sergeant Mike Garrison for their heroic actions on August 5, 2021, which ultimately saved a life.

The Board thanked the recipients for their service and congratulated them on the awards.

RE: BUSINESS SPOTLIGHT

Kim Adamson, Owner of Missy Moodies Sweet Treats, appeared before the Board to spotlight her business.

The Board thanked Ms. Adamson for her presentation.

RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES (RRCS) FISCAL YEAR 2022 PROGRAM PLAN

Jim LaGraffe, Executive Director of Rappahannock-Rapidan Community Services, gave a PowerPoint presentation to the Board regarding the Fiscal Year 2022 Program Plan. The presentation included information on the following topics: a review of FY21 achievements; adaptations to continue meeting community needs; Marcus Alert implementation; other programs, services, and initiatives; and the RRCS FY22 budget highlights and priorities.

The Board thanked Mr. LaGraffe 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: FY22 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
30046009-37010	Federal Grant - SAFER	$ 0.00	$ (82,500.00)	$ (82,500.00)
43220020-46025	Marketing Expenses	0.00	20,000.00	20,000.00
43220020-45500	Training Expenses - Other	0.00	10,000.00	10,000.00
43220020-46505	Personal Protective Equip.	0.00	45,000.00	45,000.00
43220020-43125	Employee Physicals	0.00	7,500.00	7,500.00
30002021-30065	Personal Property 2021	(7,833,518.00)	(25,000.00)	(7,858,518.00)
41221501-43100	Litigation Expenses	2,000.00	25,000.00	27,000.00
30030006-33500	Donations - Animal Shelter	(2,685.00)	(1,482.00)	(4,167.00)
43520003-43115	Prof. Serv. - Emergency Vet	2,685.00	1,482.00	4,167.00
30031000-31175	GovDeals - Sale of Surplus	0.00	(1,300.00)	(1,300.00)
43120001-46350	Police Supplies	36,620.00	1,300.00	37,920.00
48160005-46800	TAC Expenses	5,000.00	(28,828.00)	(23,828.00)
48155001-47737	To EDA Fund	92,344.00	28,828.00	121,172.00
30051001-39600	Trans. from Health Ins. Fund	(88,069.00)	88,069.00	0.00
41222001-41111	Wages - Regular	220,912.00	(65,000.00)	155,912.00
41222001-42100	FICA & Medicare	16,566.00	(4,942.00)	11,624.00
41222001-42210	Retirement	20,391.00	(6,000.00)	14,391.00
41222001-42310	Medical Insurance	22,410.00	(7,470.00)	14,940.00
41222001-42400	Group Life Ins.	2,961.00	(871.00)	2,090.00
41222001-42500	Disability Insurance	841.00	(247.00)	594.00
41222001-42710	Workers Comp.	133.00	(39.00)	94.00
41222001-46000	Office Supplies	5,000.00	(3,500.00)	1,500.00
30052014-39900	Appropriated Fund Balance	(89,153.00)	88,069.00	(1,084.00)
49160010-47100	Transfer to General Fund	88,069.00	(88,069.00)	0.00
43551001-41500	Wages - Hazard Pay	0.00	132,000.00	132,000.00
43551001-42100	FICA & Medicare	0.00	10,098.00	10,098.00
43551001-45900	Contingency	0.00	(58,131.00)	(58,131.00)
30046008-37216	ARPA - Comp Board Reimb.	0.00	(83,967.00)	(83,967.00)
49310015-47290	Transfer to COVID Fund	0.00	16,000.00	16,000.00
30046008-37211	Cat. Aid - Fed - DSS	0.00	(16,000.00)	(16,000.00)
TOTALS		**$ (7,497,493.00)**	**$ 0.00**	**$ (7,497,493.00)**

RE: ADOPTION OF THE AUGUST 24, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the August 24, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: PROPOSED AMENDMENT TO THE CODE OF ORDINANCES REGARDING RADON RESISTANT NEW CONSTRUCTION

Alyson Simpson, Chief Deputy Clerk, explained the Building Official had recently received an email from the Virginia Department of Health's Office of Radiological Health regarding Radon

Resistant New Construction (RRNC). She noted that, because Orange County was designated by the EPA as high risk for indoor radon levels, Appendix F of the International Residential Code (IRC) could be adopted into the local building code. Ms. Simpson stated that adoption of Appendix F would require that new one- and two-family residences be built with RRNC techniques, which included the installation of passive radon reduction piping. She added this was a common technique already required in many jurisdictions.

Ms. Simpson indicated her understanding that RRNC techniques were already being required by Building Inspections. However, should the Board wish to formalize the requirement, she noted a public hearing would be required in order to adopt the techniques by ordinance.

Discussion ensued among the Board regarding: the added cost represented by Radon Resistant New Construction techniques; and why Building Inspections was "requiring" something that was not required by local code.

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider the adoption of an amendment to the Orange County Code of Ordinances regarding Radon Resistant New Construction on Tuesday, October 12, 2021, as presented.

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, provided an update on the Health Insurance Fund balance. He indicated a meeting of the Budget Guidance Subcommittee would be convened soon.

RE: BOARD COMMENT

Chairman Crozier commented on the importance of adopting passive radon ordinances because exposure to radon was known to cause cancer.

Supervisor Johnson commented on the need for more recreational opportunities and facilities throughout the County and suggested members of the Board discuss potential ideas.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Parks and Recreation Quarterly Report
- VDOT Monthly Report for September
- Health Center Commission Minutes; June 30, 2021
- FY22 Tax and Fee Schedule

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Mark Herndon as the District Three Representative on the Airport Commission for a four-year term, with said term commencing January 1, 2022, and expiring on December 31, 2025.

By consensus, the Board re-appointed Clifton Barnes as an At-Large Member on the Rappahannock-Rapidan Community Services Board for a three-year term, with said term commencing January 1, 2022, and expiring on December 31, 2024.

By consensus, the Board re-appointed Pamela Frederick as an At-Large Member on the Skyline Community Action Partnership (CAP) for a three-year term, with said term commencing January 1, 2022, and expiring on December 31, 2024.

By consensus, the Board appointed Eugene Ernst as the District Four Representative on the Social Services Advisory Board, filling the unexpired four-year term of Jennifer Bryington, with said term commencing immediately, and expiring on June 30, 2024.

By consensus, the Board re-appointed Marty Van Santvoord as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Phil Audibert as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Eric Hopwood as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Deanne Marshall as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Christy Moriarty as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Tim Moubray as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Bethany Sullivan as a Member on the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2022, and expiring on December 31, 2023.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of September 2021, October 2021, and November 2021.

RE: SCHEDULE A PUBLIC HEARING FOR A BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION FOR ORANGE COUNTY PUBLIC SCHOOLS

By consensus, the Board authorized staff to advertise for and schedule a public hearing for a budget amendment and supplemental appropriation for Orange County Public Schools on Tuesday, October 12, 2021, as presented.

RE: PUBLIC HEARING #1; REGIONAL CIGARETTE TAX ADMINISTRATION

Theodore L. Voorhees, County Administrator, explained that the Board had previously authorized the scheduling of a public hearing to consider the formation of a regional cigarette tax administration, which would be known as the Blue Ridge Cigarette Tax Board. He indicated that the Tax Board would serve as the agent for the administration, collection, and distribution of local cigarette tax revenues. Mr. Voorhees noted that the General Assembly had adopted legislation that allowed counties to tax cigarettes up to $0.40 per pack, but that a separate public hearing and action would be required to consider said tax. This action was specifically to agree to the formation of the joint entity known as the Blue Ridge Cigarette Tax Board.

Discussion ensued among the Board regarding: raising cigarette tax and impacts on altering behaviors; and the ability for counties to spread out their tax revenue versus relying so heavily on personal property and real estate tax revenues.

At 6:14 p.m., Vice Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>REGIONAL CIGARETTE TAX ADMINISTRATION</u>
The Board of Supervisors will consider establishing a cigarette tax pursuant to §58.1-3830 of the Code of Virginia. As part of the administration of said cigarette tax, the Board will consider adopting an ordinance to join the Blue Ridge Cigarette Tax Board for the purposes of delegating administration of the cigarette tax to said Tax Board.

There being no speakers, Vice Chairman Johnson closed the Public Hearing at 6:14 p.m.

Discussion ensued among the Board regarding: the ability to approve the formation of the Blue Ridge Cigarette Tax Board, understanding that a future public hearing would be required should the Board choose to enact a local cigarette tax.

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

ORDINANCE APPROVING THE FORMATION OF A JOINT ENTITY TO BE KNOWN AS THE BLUE RIDGE CIGARETTE TAX BOARD AND BESTOWING ON SUCH ENTITY ALL POWERS NECESSARY AND PROPER FOR THE PERFORMANCE OF ITS DUTIES AS PROVIDED BY LAW

WHEREAS, pursuant to the authority granted to localities under §15.2-1300 of the Code of Virginia, 1950, as amended, the Board of Supervisors of Orange County, Virginia has determined that it would serve the public interest to establish a joint entity to be known as the Blue Ridge Cigarette Tax Board (the "Board") in order to efficiently administer the collection, accounting, disbursement, compliance monitoring, and enforcement of cigarette taxes assessed by the localities desiring to join the Board; and

WHEREAS, the Board of Supervisors has reviewed an agreement establishing the Board and defining its powers, duties, and other procedures, and agrees with the terms as set forth therein; and

WHEREAS, the aforementioned agreement provides that it shall become effective upon the approval by the governing bodies of at least six (6) localities named and the execution of said agreement by their authorized representatives; and

WHEREAS, the Board of Supervisors wishes to authorize the formation of the Board with Orange County, Virginia as a member thereof, and authorizes the execution of said agreement on its behalf;

NOW, THEREFORE, BE IT ORDAINED, on this 14th day of September, 2021, that the Orange County Board of Supervisors hereby establishes the following:

1. Under authority of Virginia Code §15.2-1300, and upon the approval and execution of six (6) or more localities, there is hereby created and established the Blue Ridge Cigarette Tax Board, which shall act as the agent of the localities for the administration of their respective cigarette tax ordinances; and

2. The agreement is hereby approved, and the County Administrator is authorized to execute the same on behalf of the governing body, which may include additional non-material language changes deemed necessary by the County Administrator, after it is approved as to form by the County Attorney; and

3. The powers and authority of the Board, as set forth in the agreement, are hereby approved.

This Ordinance shall be effective immediately.

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

RE: PUBLIC HEARING #2; EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE

Alyson Simpson, Chief Deputy Clerk, explained that the Board had previously authorized the scheduling of a public hearing to consider the conveyance of an underground utility easement on County-owned property to Rappahannock Electric Cooperative. She added that the easement was necessary in order for Rappahannock to connect power to a nearby residence under construction.

Ms. Simpson stated that the subject property was located at 27531 Constitution Highway, Rhoadesville, and while the Board recently leased said property to Anthony Mayo, the County Attorney had reviewed the agreement and determined the request was not in violation of the terms of the lease.

Discussion ensued among the Board regarding: whether the power lines were going to continue underground along Rose Marie Drive as well.

At 6:23 p.m., Vice Chairman Johnson called the Public Hearing to order to receive comments on the following:

EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE

The Board of Supervisors will consider the conveyance of an underground service easement on County-owned property at 27531 Constitution Highway to Rappahannock Electric Cooperative, by way of Right-of-Way Easement Agreement. Said easement is necessary for Rappahannock Electric Cooperative to connect power to a nearby residence under construction.

There being no speakers, Vice Chairman Johnson closed the Public Hearing at 6:23 p.m.

On the motion of Mr. Frame, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board authorized the conveyance of an underground utility easement on County-owned property located at 27531 Constitution Highway, Rhoadesville, to Rappahannock Electric Cooperative, and authorized the County Administrator to execute the applicable Right-of-Way Easement Agreement, as presented.

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

RE: ADJOURN

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 6:24 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator