

BOARD OF SUPERVISORS MINUTES**OCTOBER 12, 2021**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, October 12, 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: REMOTE PARTICIPATION

Pursuant to the Board of Supervisors' Bylaws, Vice Chairman Johnson 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 Vice Chairman Johnson participated from 5385 Pearl Drive, Chincoteague, Virginia, 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 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: BUSINESS SPOTLIGHT**

Denise Thompson, Owner of Cooper's Cookin' and Catering, LLC, appeared before the Board to spotlight her business.

The Board thanked Ms. Thompson for her presentation.

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: 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
30045010-35825	ICAC Program Proceeds	\$ 0.00	\$ (7,000.00)	\$ (7,000.00)
43120010-46800	Int. Crimes Against Children	0.00	7,000.00	7,000.00
30034001-34030	Recovered Costs - General	(25,000.00)	(30,400.00)	(55,400.00)
48110001-43100	Prof. Services - Other	20,000.00	30,400.00	50,400.00
30026501-32400	Orange Library - Lost Books	0.00	(328.00)	(328.00)
30026501-32475	Wilderness Lib. - Lost Books	0.00	(122.00)	(122.00)
30026501-32525	G'ville Library - Lost Books	0.00	(185.00)	(185.00)
47310001-46466	Books - Refunds	180.00	328.00	508.00
47311001-46466	Books - Refunds	122.00	122.00	244.00
47312001-46466	Books - Refunds	0.00	185.00	185.00

30033502-33250	Miscellaneous	0.00	(16,662.00)	(16,662.00)
47310001-43210	Data Processing Server	112,982.00	16,662.00	129,644.00
TOTALS		\$ 108,284.00	\$ 0.00	\$ 108,284.00

RE: RESOLUTION HONORING A MEMBER OF THE GORDONSVILLE VOLUNTEER FIRE COMPANY

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

A RESOLUTION RECOGNIZING GARNETT A. TAYLOR

WHEREAS, Garnett A. Taylor has served as a member of the Gordonsville Volunteer Fire Company since November 1, 1956; and

WHEREAS, Garnett A. Taylor has held many offices within the Gordonsville Volunteer Fire Company over those 65 years, including the position of Chief; and

WHEREAS, for many of those years, Garnett A. Taylor was the top call responder and logged thousands of calls for service; and

WHEREAS, Garnett A. Taylor continued to be a vital part of the Gordonsville Volunteer Fire Company even after he stopped running calls by serving as historian and helping to maintain company apparatus; and

WHEREAS, Garnett A. Taylor has been involved in many community organizations and efforts over the past half century, assisting his fellow citizens and making his community a better place; and

WHEREAS, Garnett A. Taylor's life has been, and continues to be, a testament to his devotion to working for the common good;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of October, 2021, that the Orange County Board of Supervisors hereby extends its sincere appreciation to Garnett A. Taylor for his service to the citizens of Orange County through his involvement with the Gordonsville Volunteer Fire Company and various community organizations; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby recognizes the service contributions of Garnett A. Taylor over the last 65 years.

RE: ADOPTION OF THE SEPTEMBER 14, 2021 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the September 14, 2021 Worksession minutes, as presented.

RE: ADOPTION OF THE SEPTEMBER 14, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the September 14, 2021 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE SEPTEMBER 28, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the September 28, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: APPOINTMENT FOR VACO'S ANNUAL BUSINESS MEETING

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board designated James P. Crozier as the voting delegate to cast a vote(s) on behalf of the Orange County Board of Supervisors at the Annual Business Meeting of the Virginia Association of Counties on November 16, 2021, as presented.

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

RE: PRIVATE ROAD STANDARDS

Chairman Crozier expressed an interest in forming a working group, to include staff, a member of the Board, and community stakeholders, to develop the recommended language to consider for the desired amendment to private road standards contained in the Subdivision Ordinance. The expressed intent was to achieve standards that more closely resembled the requirements in place before the current standards were adopted in 2018.

By consensus, the Board directed staff to form a working group, to include staff, a member of the Board, and community stakeholders, to develop the recommended language to consider for the desired amendment to private road standards contained in the Subdivision Ordinance, and further instructed staff to discontinue the Planning Commission's consideration of the text amendment (STA 21-01) that had already been scheduled for public hearing.

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, reported that a Certificate of Occupancy had been issued for the new Public Safety Building.

RE: BOARD COMMENT

Supervisor Frame commented on the tax on disposable bags and expressed interest in considering the option. He agreed to present the option to the Litter Control Committee to study and determine potential impacts on local and small businesses.

Supervisor White expressed the importance of scheduling a worksession with VDOT related to the Wilderness Crossing rezoning application. Additionally, he stated he would like to have a worksession regarding recycling, particularly related to costs and options.

Vice Chairman Johnson commented on the discussions that took place at the recent Planning Commission worksession concerning Wilderness Crossing.

Chairman Crozier expressed interest in providing a more efficient way for local businesses to be notified of and remit payment for meals tax.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report for October
- Health Center Commission Minutes; July 23, 2021

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Robert "Bob" McConnell as the District One Representative on the Economic Development Authority for a four-year term, with said term commencing January 1, 2022, and expiring on December 31, 2025.

On the motion of Mr. White, seconded by Mr. Frame, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board appointed Theodore L. Voorhees, County Administrator, as representative and Glenda E. Bradley, Assistant County Administrator for Management Services, as alternate to serve on the Blue Ridge Cigarette Tax Board representing Orange County, as presented.

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

RE: CALENDAR

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

RE: PUBLIC HEARING #1; PROPOSED ROAD ABANDONMENT

Alyson Simpson, Chief Deputy Clerk, explained the Board had previously authorized the scheduling of a public hearing to consider the abandonment of a portion of Route 730 (Madison Run Drive). She added that said portion of Route 730 did not physically exist and was not currently being maintained by the Virginia Department of Transportation (VDOT), as VDOT had considered the road abandoned years ago. However, VDOT requested a resolution from the local governing body to formalize the abandonment, which would allow the portion to be removed from VDOT's "Missing Inventory List" as a clean-up effort.

At 5:45 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED ROAD ABANDONMENT

Pursuant to Section 33.2-909 of the Code of Virginia, the Board of Supervisors will consider the abandonment of a non-existent portion of Route 730 (Madison Run Drive), from the distance of approximately 0.17 miles from the intersection of Route 730 and Route 694 (Madison Run Court) to the original dead end when the road was brought into the State System, a total of approximately 0.23 miles. This action is being considered at the request of the Virginia Department of Transportation as no public necessity exists for the continuance of the section of secondary road as a public road.

There being no speakers, Chairman Crozier closed the Public Hearing at 5:45 p.m.

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

RESOLUTION TO ABANDON A PORTION OF ROUTE 730 (MADISON RUN DRIVE)
IN ORANGE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors received a request from the Virginia Department of Transportation (VDOT) to consider the abandonment of a portion of Route 730 (Madison Run Drive) in Orange County, Virginia; and

WHEREAS, a public notice was posted, as prescribed in Section 33.2-909 of the Code of Virginia, announcing the Board's intention to abandon the identified segment of road from the Secondary System of State Highways, and a public hearing was held on October 12, 2021; and

WHEREAS, after considering all evidence available, the Board is satisfied that no public necessity exists for the continuance of the segment of Route 730 (Madison Run Drive) from Node B to Node A (a distance of 0.23 miles), as identified on the line sketch; and

WHEREAS, the Commissioner of VDOT was provided the prescribed notice of the Board's intent to abandon the subject segment of road; and

WHEREAS, the segment of Route 730, identified on the Form AM 4.3, is no longer needed as part of the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of October, 2021, that the Orange County Board of Supervisors hereby abandons the identified portion of Route 730 (Madison Run Drive) and removes it from the Secondary System of State Highways, pursuant to Section 33.2-909 of the Code of Virginia.

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

RE: PUBLIC HEARING #2; PROPOSED SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT

Glenda Bradley, Assistant County Administrator for Management Services, explained that a request had been received from the Orange County Public Schools to consider budget amendments that exceeded 1% of the total budget, which required a public hearing. She provided the Board a copy of the memos from Gary Honaker, Chief Financial Officer for OCPS.

Ms. Bradley stated the first amendment represented the re-appropriation of \$1,209,533 in remaining operating funds from FY21. She noted the funds were requested for the purchase of seven (7) school buses (\$744,521), a lighting repair project at Locust Grove Middle School (\$300,000), and to fund the increase in employer health insurance rates for the plan year beginning October 1, 2021 (\$142,000). Ms. Bradley reported the second amendment was requested to appropriate Federal funds from the American Rescue Plan Act (ARPA) totaling \$5,574,999.22.

Discussion ensued among the Board regarding: how the ARPA funds would be spent; the need to account for the ARPA funds; visibility of the ARPA funds; and whether the ARPA funds were being used for initiatives that would require local funding in future years.

At 5:56 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT

Pursuant to §15.2-2507 VA Code Ann., the Board of Supervisors will consider a proposed budget amendment and supplemental appropriation for Orange County Public Schools. Said amendment represents the re-appropriation of \$1,209,533 from Fiscal Year 2021 and the appropriation of \$5,574,999 in Federal American Rescue Plan Act (ARPA) funds.

There being no speakers, Chairman Crozier closed the Public Hearing at 5:56 p.m.

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 following resolution, as modified:

**RESOLUTION TO APPROVE A BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION
FOR THE ORANGE COUNTY PUBLIC SCHOOLS' OPERATING AND CAPITAL FUNDS**

WHEREAS, the Orange County School Board submitted a request to amend the Fiscal Year 2022 budget and to re-appropriate unspent funds from Fiscal Year 2021; and

WHEREAS, the appropriate advertisements, as required by §15.2-2507 of the Code of Virginia, have been posted and the required public hearing has been conducted; and

WHEREAS, the funds available for re-appropriation as part of this amendment (\$1,209,533) cannot be confirmed until the FY21 audit is complete;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of October, 2021, that the Orange County Board of Supervisors hereby conditionally approves and adopts the Fiscal Year 2022 budget amendment as shown below and appropriates all funds as set forth in the table, pending confirmation of sufficient funds available in the FY21 audited financial statements; and

BE IT FURTHER RESOLVED, as follows:

1. Expenditures for the purchase of buses and the lighting project at Locust Grove Middle School (to be funded through re-appropriation of FY21 funds) will be delayed until the confirmation of available local funds for FY21 is complete; and
2. Appropriations designated for the Capital Projects Fund expenses will not lapse at the end of the fiscal year, but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.

ORANGE COUNTY PUBLIC SCHOOLS OPERATING FUND

	Current Budget	Amendment	Amended Budget
Revenues:			
Transfer From General Fund	\$ 21,535,743.00	\$ 909,533.00	\$ 22,445,276.00
Commonwealth	31,391,360.00	0.00	31,391,360.00
Federal	2,747,381.00	0.00	2,747,381.00
Other	68,000.00	0.00	68,000.00
Total Revenues	\$ 55,742,484.00	\$ 909,533.00	\$ 56,652,017.00
Expenditures:			
School Operating Fund	\$ 55,026,139.00	\$ 909,533.00	\$ 55,935,672.00
Transfers to Other Funds	716,345.00	0.00	716,345.00
Total Expenditures	\$ 55,742,484.00	\$ 909,533.00	\$ 56,652,017.00

ORANGE COUNTY PUBLIC SCHOOLS OTHER FUNDS

Revenues:			
Transfer from General Fund	\$ 1,937,993.00	\$ 300,000.00	\$ 2,237,993.00
Trans. from School Oper. Fund	716,345.00	0.00	716,345.00
Commonwealth	157,720.00	0.00	157,720.00
Federal	3,296,274.00	0.00	3,296,274.00
Other	743,000.00	0.00	743,000.00
Reserves	170,321.00	0.00	170,321.00
Total Revenues	\$ 7,021,653.00	\$ 300,000.00	\$ 7,321,653.00
Expenditures:			
School Cafeteria Fund	\$ 2,239,088.00	\$ 0.00	\$ 2,239,088.00
School Headstart Fund	1,564,154.00	0.00	1,564,154.00
School Adult Education Fund	393,752.00	0.00	393,752.00
School Textbook Fund	675,000.00	0.00	675,000.00
School Debt Service Fund	1,370,993.00	0.00	1,370,993.00

School Capital Project Fund	778,666.00	300,000.00	1,078,666.00
Total Expenditures	\$ 7,021,653.00	\$ 300,000.00	\$ 7,321,653.00

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

RE: PUBLIC HEARING #3; PROPOSED ORDINANCE TO REQUIRE RADON RESISTANT NEW CONSTRUCTION

Theodore L. Voorhees, County Administrator, explained the Board had previously authorized the scheduling of a public hearing to consider an amendment to the Orange County Code of Ordinances to require Radon Resistant New Construction (RRNC) techniques. He indicated that because Orange County was located in a high-risk zone for radon exposure, the local governing body could choose to require, by ordinance, the passive radon techniques established in Appendix F of the International Residential Code of the Uniform Statewide Building Code.

At 5:59 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED ORDINANCE TO REQUIRE RADON RESISTANT NEW CONSTRUCTION

The Board of Supervisors will consider the adoption of an ordinance to require radon resistant new construction techniques in Orange County. Said ordinance would establish that new dwelling units incorporate the radon resistant methods of Appendix F of the International Residential Code, which is part of the Virginia Uniform Statewide Building Code.

There being no speakers, Chairman Crozier closed the Public Hearing at 5:59 p.m.

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 following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO SECTION 10 (BUILDINGS AND BUILDING REGULATIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING RADON RESISTANT NEW CONSTRUCTION

WHEREAS, action was previously initiated on amendments to Section 10 (Buildings and Building Regulations) of the Orange County Code of Ordinances concerning Radon Resistant New Construction; and

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

WHEREAS, the Board advertised and conducted a Public Hearing on the proposed text amendments on October 12, 2021; 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 12th day of October, 2021, that the Orange County Board of Supervisors hereby approves the proposed amendments to Section 10 (Buildings and Building Regulations) of the Orange County Code of Ordinances concerning Radon Resistant New Construction, as presented and shown below.

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

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 211012 – PH3
by the Orange County Board of Supervisors
on October 12, 2021**

All text below is proposed to be added as new text.

Chapter 10 - Buildings and Building Regulations

Sec. 10-111 - 10-149. Reserved.

Article V - Radon Resistant New Construction

Sec. 10-150. - Applicability.

This article shall apply to the new construction of single- and two-family dwelling units.

Sec. 10-151. - New Construction.

All new construction of single- and two-family dwelling units shall incorporate the radon resistant methods of Appendix F of the International Residential Code for One and Two-Family Dwellings, which is incorporated in the Virginia Uniform Statewide Building Code.

Sec. 10-152. - Exception.

In accordance with the Uniform Statewide Building Code, these requirements shall not apply to buildings or portions thereof that have a crawl space foundation that is ventilated to the exterior.

RE: PUBLIC INPUT ON DECENNIAL REDISTRICTING

At 6:00 p.m., Chairman Crozier opened the floor for public input on the Decennial Redistricting.

There being no speakers, public comment was closed at 6:00 p.m.

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 6:00 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Marshall.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator