

BOARD OF SUPERVISORS MINUTES

OCTOBER 26, 2021

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, October 26, 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: LIFESAVING AWARDS

Chairman Crozier presented a Lifesaving Award to Captain Jason Smith for his heroic actions during a recent rescue, which ultimately saved a life.

The Board thanked Captain Smith for his service and congratulated him on the award.

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION TO KURT HILDEBRAND

Chairman Crozier presented a Certificate of Appreciation to Kurt Hildebrand recognizing his fourteen (14) years of service to the County. Collectively, the Board thanked Mr. Hildebrand for his dedication and congratulated him on his upcoming retirement.

RE: QUARTERLY UPDATE FROM THE FIRE CHIEFS ASSOCIATION

Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association, which included information on the following: an update on the health and status of the volunteer agencies; a status report on the Virginia Fire Chiefs Association grant and the FEMA grant projects; an update on the Recruitment and Retention Committee and tasks completed to-date; a summary of other major initiatives; and a timeline for those initiatives going forward.

Discussion ensued among the Board regarding: the deadline for reviewing and submitting comments on the draft Recruitment and Retention Strategic Plan.

The Board thanked Chief Mendonca for the update.

RE: PRESENTATION FROM RAPPAHANNOCK ELECTRIC COOPERATIVE

John Hewa, President and CEO of Rappahannock Electric Cooperative, introduced himself to the Board and presented a PowerPoint presentation, which included information on the following: coverage by electric cooperatives across the nation; quick facts of REC; an overview of REC services in the County; REC's commitment to its employees and customers; community involvement; local contacts; reliability and responsiveness; economic development potential; sustainability practices; planning for the future; digital initiatives; and member satisfaction.

Discussion ensued among the Board regarding: how the Federal CARES and ARPA funds were allocated to delinquent accounts; the percentage of accounts that were in arrears during the COVID-19 Pandemic; the percentage of renewable energy; buy back of solar generation; and electric vehicle trends.

The Board thanked Mr. Hewa for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, 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
30030006-33500	Donations - Animal Shelter	\$ (2,685.00)	\$ (630.00)	\$ (3,315.00)
43520003-43115	Prof. Serv. - Emergency Vet	146,696.00	630.00	147,326.00
30030002-33625	Donations - Triad	(1,448.06)	(2,000.00)	(3,448.06)
43177002-46800	Guardian Pendant Expenses	1,599.00	2,000.00	3,599.00
45370101-46000	Office Supplies	0.00	2,000.00	2,000.00
45370001-46505	Other Oper. Supp - Equip.	0.00	3,385.00	3,385.00
30052001-39900	Appropriated Fund Balance	(2,547,655.00)	(5,385.00)	(2,553,040.00)
30051005-39290	Trans. from COVID-19 Fund	(45,000.00)	13,000.00	(32,000.00)
30052009-39900	Appropriated Fund Balance	(36,000.00)	(13,000.00)	(49,000.00)
49400101-43120	Prof. Serv. - Audit Actuary	0.00	5,586.00	5,586.00
30021007-31115	Interest on Investments	0.00	(5,586.00)	(5,586.00)
TOTALS		\$ (2,484,493.06)	\$ 0.00	\$ (2,484,493.06)

RE: RESOLUTION TO CONSIDER A BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION FOR ORANGE COUNTY PUBLIC SCHOOLS' OPERATING FUND

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

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

WHEREAS, the Orange County School Board submitted a request to amend the Fiscal Year 2022 budget and to appropriate funds received through the Federal American Rescue Plan Act (ARPA) for responding to the COVID-19 Pandemic; 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;

NOW, THEREFORE, BE IT RESOLVED, on this 26th day of October, 2021, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2022 budget amendment as shown below and appropriates all funds as set forth in the table; and

BE IT FURTHER RESOLVED, as follows:

1. Appropriations designated for ARPA-funded 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	\$ 22,445,276.00	\$ 0.00	\$ 22,445,276.00
Commonwealth	31,391,360.00	0.00	31,391,360.00
Federal	2,747,381.00	5,574,999.22	8,322,380.22
Other	68,000.00	0.00	68,000.00
Total Revenues	\$ 56,652,017.00	\$ 5,574,999.22	\$ 62,227,016.22
Expenditures:			
School Operating Fund	\$ 55,935,672.00	\$ 0.00	\$ 55,935,672.00
ARPA Expenditures	0.00	5,574,999.22	5,574,999.22
Transfers to Other Funds	716,345.00	0.00	716,345.00
Total Expenditures	\$ 56,652,017.00	\$ 5,574,999.22	\$ 62,227,016.22

RE: ANNUAL APPOINTMENTS TO THE YOUTH COUNCIL

As part of the Consent Agenda, the Board appointed the following members to the Youth Council for the 2021-2022 School Year:

8th Grade

Jennifer Benedetto
Rylyn Deeds

9th Grade

Shyanne Brown

10th Grade

Taylor Belcher
Chloe Case
Jackson Hamilton
Jude Melton

11th Grade

Grace Adams
Adrianna Angel
Scott Clore
Kylie Desselle
Terri Jones
McKelle Labrum
Emily Lee
Gwen Lumsden
Charlotte Samuels
Chayse Vines

12th Grade

Juliet Daniel
Nicholas Edelman
Myranda Stone
John Mason Vines, III

RE: ADOPTION OF THE OCTOBER 5, 2021 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the October 5, 2021 Worksession minutes, as presented.

RE: ADOPTION OF THE OCTOBER 12, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the October 12, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: CHILDCARE STAFF FEE DISCOUNT

Alisha Vines, Office on Youth Director, explained that the Office on Youth had been struggling to recruit employees for its childcare programs, either because applicants did not show up for interviews, did not want to work part-time, or would have to enroll their children in the childcare programs in order to work at the sites. In an effort to attract more employees, and to provide financial stability and quality childcare for those employees, Ms. Vines requested the Board's consideration to approve a 50% discount in fees for childcare site employees. She noted this would be for childcare employees only, as a 25% discount already existed for all other employees.

Discussion ensued among the Board regarding: the fiscal impact if the increased discount was provided to all employees; and the idea that a 50% discount may not be enough of an incentive.

By consensus, the Board approved a pilot program to provide a 100% discount on childcare fees for all Orange County School-Age Child Care employees and a 50% discount on childcare fees for all other Orange County employees, effective November 1, 2021, through the end of the school year, 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, reported that he had recently been appointed as Chairman of the Blue Ridge Regional Cigarette Tax Board.

RE: BOARD COMMENT

Supervisor Frame commented on the Marcus Alert implementation and recognized the contributions of Crystal Hale, Social Services Director, and Chris Cord, Emergency Communications Cent Director. He also shared information related to the opioid settlements and action that would be necessary by the Board in order to join the settlements.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Economic Development Quarterly Report
- Tourism Quarterly Report
- Social Services Quarterly Report

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 October 2021, November 2021, and December 2021.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 21-03 (CENTRAL VIRGINIA ELECTRIC COOPERATIVE)

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for SUP 21-03 (Central Virginia Electric Cooperative) on Tuesday, December 7, 2021, as presented.

RE: PUBLIC HEARING #1: PROPOSED DECENNIAL REDISTRICTING

Alyson Simpson, Chief Deputy Clerk, explained that the Board had previously authorized the scheduling of this public hearing to receive public comment on the proposed Decennial Redistricting, as presented following the Board's discussion of the proposal at several worksessions. She presented maps of the proposed district boundaries, proposed precinct boundaries, and proposed polling place locations. Ms. Simpson also provided a draft ordinance, which included the required metes and bounds descriptions for both the district boundaries and the precinct boundaries. She reminded the Board it would be appropriate to open the public hearing and receive public comment, but action on the draft ordinance must be deferred until after the election on November 2, 2021.

Discussion ensued among the Board regarding: an amendment to either the District 3 precincts or the District 3 East polling place; and an amendment to either the District 4 precincts or the District 4 East polling place.

At 6:33 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED DECENNIAL REDISTRICTING

The Board of Supervisors will consider the proposed redistricting of the County's election districts, precincts, and polling place locations. Following the 2020 Census, in 2021, the Board is required to realign election districts so they are roughly equal in population. Because of the growth in County population in the last decade, changes are proposed to the district boundaries, precinct boundaries, and polling place locations.

Ms. Simpson reminded the Board that several written public comments had been received and those were previously shared with the Board.

By consensus, the Board left the Public Hearing open and deferred action until its next meeting on Wednesday, November 17, 2021, at which time the requested amendments would be presented.

RE: PUBLIC HEARING #2: ZTA 21-02

Joshua Gillespie, Planning and Development Services Director, presented the staff report regarding proposed amendments to the Orange County Zoning Ordinance to amend the definition of Accessory Apartment, which had been initiated by the Board. He reviewed the proposed language, indicating that the Planning Commission's vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the intention of the setback requirement for principal structure; and whether the definition superseded covenants or restrictions.

At 6:36 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

ZTA 21-02

The Board of Supervisors will consider an amendment to Section 70-1 of the Zoning Ordinance. The purpose of the amendment is to modify the current definition of Accessory Apartment.

There being no speakers, Chairman Crozier closed the Public Hearing at 6:36 p.m.

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

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL), SECTION 70 (ZONING), OF
THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE
DEFINITION OF ACCESSORY APARTMENT

WHEREAS, Planning Commission action was previously initiated on amendments to Article I (In General), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the definition of accessory apartment; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on September 16, 2021; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on October 26, 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 zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 26th day of October, 2021, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the definition of accessory apartment, 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. 211026 – PH2
by the Orange County Board of Supervisors
on October 26, 2021**

Chapter 70 - Zoning

Article I - In General

Sec. 70-1. - Definitions.

[...]

Accessory Apartment means a ~~completely independent, standalone~~ dwelling unit located on the same lot as the single-family dwelling to which it is accessory, and which is subject to the following:

- ~~1) The gross square footage of the accessory apartment shall not exceed 800 (excluding unconditioned basements and other unconditioned, attached exterior spaces);~~
- ~~2) The accessory apartment shall not exceed the gross square footage of the primary dwelling to which it is accessory;~~
- ~~3) The accessory apartment shall not contain more than two (2) bedrooms; and~~
- ~~4) No lot shall contain more than one (1) accessory apartment; and~~

2) An accessory apartment shall be considered accessory to a single-family dwelling for all purposes (including Sec. 70-261), except that an accessory apartment shall be deemed a principal structure for purposes of setback requirements.

[...]

RE: PUBLIC COMMENT

At 6:46 p.m., Chairman Crozier opened the floor for public comment.

There being no speakers, public comment was closed at 6:46 p.m.

RE: CLOSED MEETING

At 6:47 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:

- Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning the Bluebell Building and the Sheltering Arms Building. - *§2.2-3711(A)(3) of the Code of Virginia*
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning the Commissioner of the Revenue. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(3) 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 aforesated matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:29 p.m., Ms. Simpson 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 Orange County Board of Supervisors 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, Marshall, Crozier, Frame. Nays: None.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 7:30 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator